

ARTICLE X
SUPPLEMENTAL ZONE REGULATIONS

SECTION 28 – 1001 OFF STREET PARKING REQUIREMENTS

28 – 1001.1 PURPOSE

To facilitate the movement of people and goods on the local street system, to lessen congestion in the streets, to assure that streets are clear of obstructions and as a means of protecting the lives and safety of motorists and pedestrians, the following off-street parking standards are established. Standards hereinafter established govern the provision, arrangement and access for parking lots or areas and individual parking spaces.

28 – 1001.2 DEVELOPMENT STANDARDS

- A. All land hereinafter used or occupied and all structures hereinafter designed or enlarged, shall provide sufficient off-street parking spaces in accordance with this Section.
- B. The provisions of this section shall not apply to established parking districts. No off-street parking space greater than which exists at the effective date of this ordinance need be provided for existing uses or structures. However, if at any time in the future the use of the property changes to one which requires greater off-street parking space, the extra space shall be provided.
- C. When a building or property is used for more than one use, the parking requirement for each such use shall be separately applied on the basis of that area established for each use.
- D. All off-street parking spaces, other than for a single family or duplex dwelling, which requires vehicles to back into a public road, street or highway are prohibited.
- E. All off-street parking facilities shall be constructed of dust-free materials, have a surface resistant to erosion, drained so as to prevent damage to abutting properties or public streets, and maintained properly by the owner.
- F. Each automobile parking space shall be clearly marked appropriately to the dimensions required for each space exclusive of the access drive.
- G. There shall be provided entrances and exits and driveway adequate to connect parking areas with a public right-of-way.

- H. Minimum dimensions for off-street parking and maneuvering space or driveways shall correspond to Table 10.1.
- I. No parking spaces except those proposed for single family or duplex residences shall have direct access to a public way.
- J. A driveway ten (10) feet wide and thirty-five (35) feet long shall be deemed sufficient parking space, for single family or each unit in a duplex.
- K. No part of any parking or maneuvering space shall be closer than ten (10) feet to any street line, sidewalk or property line for commercial or industrial uses, or three (3) feet for residential uses.
- L. No off-street parking areas may be used for displays, exhibits or sales, except in conjunction with any approved Temporary uses.

Table 10.1

Angle	Minimum Stall Width (W)	Minimum Stall Length (L)	Minimum Aisle Width (Maneuvering Space) (A)
90°	9 feet	18 feet **	24 feet
60°	9 feet	18 feet **	18 feet one-way 22 feet two-way
45°	9 feet	18 feet **	16 feet one-way 22 feet two-way
30°	9 feet	18 feet **	14 feet one-way 22 feet two-way
Parallel	8 feet	22 feet	16 feet one-way 22 feet two-way

*** - Vehicle Overhang: Up to two (2) feet of vehicle overhang into any planter area is allowed provided the planter is a minimum of six feet wide, in this situation the minimum required depth of the parking stall may be reduced by up to two (2) feet. When utilizing this option, curbing shall be utilized at the edge of the paved area, rather than wheel stops.*

28 – 1001.3 PARKING REQUIREMENTS

- A. Except under the provisions of subsections B and C below, all uses of land and structures shall adhere to the following parking requirements:

	Use/Activity	Minimum Vehicle Spaces	Maximum Vehicle Spaces	Minimum Bicycle Spaces	Notes
	Residential Buildings				
1	Single-Family Detached	2 per du	--	--	
2	Single-Family Attached	2 per du	--	--	
3	Any Middle Housing Type (except single-family attached/Townhome)	0.75 per du	1.0 per du		
4	Multifamily	1 per du	2 per du	0.5 per du	
5	Retirement Community	1 per 3 du	1.5 per du	--	Plus 1 space for any facility vehicles and plus parking for any offices, community centers, etc., per schedule below
6	Nursing Home/Domiciliary Care	0.3 per room	1 per room	--	
	Lodging				
7	Hotels/Motels	0.8 per guest room	1.25 per guest room	--	Plus 1 space per 600 sq. ft. of public meeting area and restaurant space
8	Bed & Breakfast	1 per guest room plus two spaces for owner's portion	--	--	
	Commercial Buildings				
9	Auto Sales or Showroom	1 per 375 sq. ft. GFA of sales and service building	1 per 200 sq. ft. GFA of sales and service building	--	
10	Auto Rental	1 per 1,000 sf GFA	1 per 200 sf GFA	--	
11	Animal Hospital	1 per employee	1 per 200 sf GFA	--	
12	Automotive Repair Garage	1 per 375 sf GFA, including service bays, wash tunnels, and retail areas	1 per 500 sf GFA, including service bays, wash tunnels, and retail areas	--	
13	Office or Bank with Drive-Thru	1 per 1,500 sf GFA plus 5 stacking spaces per each drive-thru stall	1 per 200 sf GFA plus 5 stacking spaces per each drive-thru stall	1 per 10 vehicle spaces	
14	Office or Bank without Drive-Thru	1 per 250 sf GFA	1 per 140 sf GFA	1 per 10 vehicle spaces	
15	Standalone Retail Store	1 per 300 sf GFA	1 per 200 sf GFA	1 per 10 vehicle spaces	
16	Warehouse Discount Store/superstore	1 per 300 sf GFA	1 per 200 sf GFA	1 per 10 vehicle spaces	
17	Gasoline Station	1 per 375 sf GFA, including service bays, wash tunnels, and retail areas	1 per 500 sf GFA, including service bays, wash tunnels, and retail areas	--	

18	Lumberyard & Building Materials	1 per 375 sf GFA of sales and service building	1.5 per 375 sf GFA of sales and service building	--	
19	Beer, Wine & Liquor Store	1 per 300 sf GFA	1 per 200 sf GFA	1 per 10 vehicle spaces	
20	Shopping Center	1 per 300 sf GFA	1 per 200 sf GFA	1 per 10 vehicle spaces	
21	Convenience Store	6 per 1,000 sf GFA	1 per 100 sf GFA	1 per 10 vehicle spaces	
22	Car Wash	1 per 375 sf GFA, including service bays, wash tunnels, and retail areas	1 per 500 sf GFA, including service bays, wash tunnels, and retail areas	--	Minimum 5 stacking spaces per drive-thru stall required
23	Live-Work Space	Ground floor as required plus 1 space for residence	Ground floor as required plus 2 spaces for residence	--	
24	Research and Technology Services	1 space per 1,000 sf GFA	1 space per 200 sf GFA	1 per 10 vehicle spaces	
25	Bars, Taverns, Nightclubs	1 space per 100 sf GFA	1 space per 50 sf GFA	1 per 10 vehicle spaces	
26	Restaurant, Fast Food	1 space per 100 sf GFA	1 space per 50 sf GFA	1 per 10 vehicle spaces	Minimum 5 stacking spaces per drive-thru stall required
27	Restaurant, Carry-out	1 space per 300 sf GFA	1 space per 200 sf GFA	1 per 10 vehicle spaces	Plus 1 space per delivery vehicle
28	Restaurant, Sit-Down	1 space per 100 sf GFA	1 space per 50 sf GFA	1 per 10 vehicle spaces	
29	Craft Beverage Manufacturing or Brew Pub	1 space per 100 sf GFA	1 space per 50 sf GFA	1 per 10 vehicle spaces	
30	Services to buildings and dwellings (pest control, janitorial, landscaping, etc.)	1 space per 1,000 sf GFA	1 space per 200 sf GFA	1 per 10 vehicle spaces	
Industrial Buildings					
31	Light industrial structures and facilities (not enumerated below)	1 space per 2000 sf GFA	1 space per 300 sf GFA	--	
32	Mill-type factory	1 space per 2000 sf GFA	1 space per 300 sf GFA	--	
33	Manufacturing Plant	1 space per 2000 sf GFA	1 space per 300 sf GFA	--	
34	Industrial Park	1 space per 2000 sf GFA	1 space per 300 sf GFA	--	
35	Laboratory or specialized industrial facility	1 space per 2000 sf GFA	1 space per 300 sf GFA	--	
36	Assembly & Construction-type plants	1 space per 2000 sf GFA	1 space per 300 sf GFA	--	
37	Process Plants (metals, chemicals, etc.)	1 space per 2000 sf GFA	1 space per 300 sf GFA	--	
38	Construction-related businesses	1 space per 200 sf GFA	1 per 1,000 sf GFA	--	
39	Mini-warehouse or self-storage	4 spaces plus 2 for manager's quarters	--	--	

40	Warehouse	1 per 2000 sf GFA	1 per 350 sf GFA	--	
41	Wholesale Trade and Storage	1 per 2000 sf GFA	1 per 350 sf GFA	--	
Public Assembly Structures					
42	Performance Theatre	1 per 6 seats	1 per 4 seats	1 per 20 vehicle spaces	
43	Movie Theatre	1 per 6 seats	1 per 4 seats	1 per 20 vehicle spaces	
44	Indoor Games Facility	5 per 1,000 sf GFA	6 per 1,000 sf GFA	1 per 10 vehicle spaces	
45	Fitness, recreational sports, gym, or athletic club	1.5 per 1,000 sf GFA	10 per 1,000 sf GFA	1 per 10 vehicle spaces	
46	Bowling, Billiards, etc.	2 per lane	4 per lane	1 per 10 vehicle spaces	
47	Skating Rink	5 per 1,000 sf GFA	7 per 1,000 sf GFA	1 per 10 vehicle spaces	
48	Sports stadium or arena	1 per 6 seats or 1 per 30 sf GFA if no permanent seats	1 per 4 seats or 1 per 50 sf GFA	1 per 20 vehicle spaces	
49	Exhibition, conference, or convention structure	1 per 6 seats or 1 per 30 sf GFA if no permanent seats	1 per 4 seats or 1 per 50 sf GFA	1 per 20 vehicle spaces	
50	House of Worship	1 per 8 seats	1 per 2 seats	1 per 20 vehicle spaces	
Institutional or Community Facilities					
51	Hospital	1 per 600 sf GFA	1 per 100 sf GFA	1 per 20 vehicle spaces	
52	Medical Clinic	1 per 400 sf GFA	1 per 100 sf GFA	1 per 20 vehicle spaces	
53	Day Care Center	1 per 375 sf GFA	1.5 per sf GFA		
54	Community Food, emergency relief, family, or elderly and disabled services	1 per 250 sf GFA	1 per 200 sf GFA	1 per 20 vehicle spaces	
55	Schools, elementary, junior or middle	1 per classroom	2 per classroom	1 per 10 students	Plus any requirements for auditoriums or gymnasiums
56	Schools, senior high or college	1.5 per classroom	2.5 per classroom	1 per 5 vehicle spaces	
57	Library	1 per 300 sf GFA	1 per 125 sf GFA	1 per 20 vehicle spaces	
58	Museum, exhibition, or similar facility	1 per 1,000 sf GFA	1.5 per 1,000 sf GFA	2 per 1,000 sf GFA	
59	Public Safety, fire and rescue, or police station	1 per employee + 1 per each 3 personnel on normal shift + 1 per 200 sf usable office space	--	3% of number of vehicle parking spaces	
60	Post Office	1 per employee	--	--	
61	Clubs or lodges	1 per 3 persons	--	1 per 20 vehicle spaces	
62	Funeral Homes	1 per 4 seats	1 per 2 seats	--	

- 1 B. For any use not specifically listed in subsection A above, the parking requirement will
2 be determined by the Town Planner. In such instances, the applicant shall provide
3 adequate information by which the proposal can be reviewed, which includes but may
4 not necessarily be limited to the following:
5
6 (1) Type of uses;
7 (2) Number of employees;
8 (3) Building design capacity;
9 (4) Square feet of sales area and service area;
10 (5) Parking spaces proposed onsite;
11 (6) Parking spaces provided elsewhere; and
12 (7) Hours of operation.
13
14 C. The Town recognizes that, due to the peculiarities of any given development, the
15 inflexible application of the parking standards may result in a development either
16 with inadequate parking space or parking space far in excess of its needs. The former
17 situation may lead to traffic congestion or parking violations in adjacent streets as
18 well as unauthorized parking in nearby private lots. The latter situation wastes money
19 as well as space that could more desirably be used for valuable development or
20 environmentally useful open space. Therefore, the Town (through the Planning and
21 Zoning Commission) may permit deviations from the presumptive requirements of
22 subsections A or B above and may require more than the maximum or allow less than
23 the minimum parking as may be deemed appropriate during the process of site plan
24 review. In determining whether or not it is appropriate to allow such deviations, the
25 applicant shall have the burden of supplying evidence that such a change is
26 warranted. This evidence shall include the applicant's experience with the same use
27 in other jurisdictions, alternate standards (and an assessment of their adequacy) for
28 the same use in other communities, or a suggested standard by a nationally
29 recognized authority in parking (e.g. The Institute of Transportation Engineers, the
30 American Planning Association, etc.).
31
32 D. In situations where the total parking area is not needed in the immediate future, but
33 may be in the longer-term, the Planning and Zoning Commission may require that all
34 of the area be provided and reserved for parking, but may suspend or waive the
35 requirement that it actually be paved, until such time as the Town Planner determines
36 that it is necessary.
37
38 E. Whenever the Town Council shall have established municipally owned and
39 maintained off-street parking areas, and where certain uses may be required to pay an
40 additional tax for the support of publicly owned facilities provided by said tax; the
41 parking requirements of this Ordinance applying to those uses located within said
42 district shall not be required; provided, however, that said users pay either the full
43 special tax or a proportionate share thereof.

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2 F. Parking lots shall always be planted with native shade trees. Lots of twenty-five (25)
3 spaces or more shall provide at least one tree per five (5) parking spaces. Stock
4 should be no less than 1.5" caliper (at breast height) and each tree should be provided
5 with at least forty (40) square feet of unpaved area around its trunk.
6
7 G. Parking areas for more than five (5) vehicles shall be effectively screened on each
8 side which adjoins or is faced by any "R" District, by an ornamental wall, fence, or
9 compact evergreen hedge. Such screen shall be not less than four (4) feet or more
10 than six (6) feet in height and shall be maintained in good condition without any
11 advertising thereon.
12
13 H. The location of parking spaces shall be approved by the Planning and Zoning
14 Commission during the appropriate review process.
15
16 I. The visual impact of parking spaces shall be minimized through siting and
17 landscaping. In general, parking lots for commercial or industrial uses should, to the
18 extent feasible, be located in rear or side yards.
19
20 J. The standards outlined in this subsection (28 – 1001.3) shall not apply to uses or
21 projects within the CBD Zoning District. Properties within the CBD Zoning District
22 are exempt from the off-street parking requirements.
23
24 K. The Town (through the Planning and Zoning Commission) may permit deviations
25 from the minimum dimensions specified in Table 10.1 to allow reductions for
26 *Minimum Stall Width, Minimum Stall Length and Minimum Aisle Width* if deemed
27 appropriate during the process of site plan review. In determining whether or not it is
28 appropriate to allow such deviations, the applicant shall have the burden of supplying
29 evidence that such a change is warranted. This evidence shall include the applicant's
30 experience with the same use in other jurisdictions, alternate standards (and an
31 assessment of their adequacy) for the same use in other communities, or a suggested
32 standard by a nationally recognized authority in parking (e.g. The Institute of
33 Transportation Engineers, the American Planning Association, etc.).
34
35 L. Parking spaces designed to abut other parking spaces in the front shall be separated
36 by a landscaping area. Such landscaping areas shall be a minimum of six (6) feet
37 wide and shall be planted with native landscaping material. Such landscaping areas
38 should be designed to receive runoff from adjoining parking areas and utilize minimal
39 impediments to the sheet flow of water (such as precast wheel stops as opposed to
40 continuous standing curb). The application of bio-retention in these areas is strongly
41 encouraged.
42

1 **28 – 1001.4 JOINT USE – OFF-SITE FACILITIES**
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- 3 A. All parking spaces required herein shall be located on the same lot with the building or
4 use served, except that where an increase in the number of spaces is required by a
5 change or enlargement of use or where such spaces are provided collectively or used
6 jointly by two (2) or more buildings or establishments, the required spaces may be
7 located and maintained on a lot within five hundred (500) feet of the building served.
8
- 9 B. Up to twenty-five (25%) percent of the parking spaces required for (a) theaters, public
10 auditoriums, bowling alleys, dance halls, and night clubs, and up to one hundred
11 (100%) percent of the parking spaces required for a church auditorium may be provided
12 and used jointly by (b) banks, offices, retail stores, service establishments, and similar
13 uses not normally open, used, or operated during the same hours as those uses listed,
14 and up to fifty (50%) percent of parking spaces required for schools may be provided
15 and used jointly by a church auditorium; provided, however, that written agreement
16 thereto is properly executed and recorded as specified below.
17
- 18 C. In any case, where the required parking spaces are not located on the same lot with the
19 building or use served, or where such spaces are collectively or jointly provided and
20 used, such parking space shall be established by a recorded covenant or agreement as
21 parking space to be used in conjunction with the principal use and shall be reserved as
22 such through an encumbrance to be valid for the total period the use or uses for which
23 the parking is needed are in existence. A certificate or recording shall be furnished to
24 the Zoning Inspector.
25

26 **28 – 1001.5 HANDICAP PARKING**
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28 Parking for physically handicapped persons shall be provided in accordance with the
29 standards prescribed by the Maryland Handicapped Accessibility Code.
30

31 **SECTION 28 – 1002 OFF-STREET LOADING**

32 **28 – 1002.1 DEVELOPMENT STANDARDS**
33

34 The following standards shall apply for off-street loading spaces:
35

- 1 A. In any zone in connection with every building or part thereof having a gross floor
2 area of four thousand (4,000) square feet or more, which is to be occupied by
3 manufacturing, storage, warehouse, goods display or sales, mortuary, or other uses
4 similarly requiring the receipt and distribution by vehicles of material or
5 merchandise, there shall be provided and maintained on the same lot with such
6 building or use at least one (1) off-street loading space plus one (1) additional such
7 loading space for each ten thousand (10,000) square feet of gross floor area or major
8 fraction thereof.
9
- 10 B. Each loading space shall be not less than ten (10) feet in width and forty-five (45)
11 feet in length, and shall have a minimum overhead clearance of fourteen (14) feet.
12
- 13 C. Such space may occupy all or any part of any required yard or court, except a front
14 yard.
15
- 16 D. No such space shall be located closer than fifty (50) feet to any lot located in any
17 "R" District, unless wholly within a completely enclosed building or unless
18 enclosed on three sides by a wall of uniformly painted board fence or natural
19 plantings. The height of all screening shall be determined by the zoning inspector
20 but in no event, shall the screening be less than six (6) feet in height.
21
- 22 E. Loading spaces shall be so located and designed that the vehicles intended to use
23 them can maneuver safely and conveniently to and from a public right-of-way, and
24 complete the loading or unloading operations without obstructing or interfering
25 with any public right-of-way or any parking space or parking lot aisle.
26
- 27 F. No area allocated to loading and unloading facilities may be used to satisfy the area
28 requirements for off-street parking, nor shall any portion of any off-street parking
29 area be used to satisfy the area requirements for loading and unloading facilities.
30

31 **SECTION 28 – 1003 STRUCTURES PERMITTED ABOVE HEIGHT LIMIT**

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33 The building height limitations of this Ordinance shall not apply to roof structures, whether
34 partially or totally enclosed or open, for housing stairways, elevators, heating, cooling and
35 ventilation equipment and fans, tanks, ventilating fans or similar equipment required to
36 operate and maintain the buildings; fire, or parapet, screening or sound attenuation walls
37 or panels, towers, steeples, grain tanks, silos, smoke stacks or vents, masts and antennas,
38 tanks, monuments, or other structures that project into the air. The provisions of this section
39 shall not apply to any structure or use within any airport clear zone.
40

41 **SECTION 28 – 1004 FRONT YARD ADJUSTMENTS**

42

1 The front yard required for a dwelling in any zone which permits residences may be
2 reduced in the case of a dwelling to be located between two (2) existing dwellings which
3 lack the required front yard and which are less than one hundred (100) feet apart. In such
4 a case the front yard depth shall be not less than that of the deeper adjoining lot.
5

6 **SECTION 28 – 1005 CORNER LOT RESTRICTIONS**

7

8 On corner lots, all sides of the lot which face a street must comply with the applicable front
9 setback. For the purpose of determining setbacks, the other two yards shall be deemed side
10 yards.
11

12 **SECTION 28 – 1006 OTHER EXCEPTIONS TO SETBACK REQUIREMENTS**

13

14 The following features may project into required setbacks as hereinafter set forth.
15

16 A. Beyond any required front setback, rear setback, or required side setback adjoining a
17 street side lot line, the following exceptions shall be permitted:
18

- 19 1. Cornices, canopies, eaves or other architectural features may project a distance
20 not exceeding three (3) feet.
21
- 22 2. Fire escapes may project a distance not exceeding five (5) feet.
23
- 24 3. An uncovered stair and necessary landings may project a distance not to exceed
25 six (6) feet; provided however that such stair and landing shall not extend above
26 the entrance floor of the building except for a railing not to exceed three (3) feet
27 in height.
28
- 29 4. Bay windows, balconies, and chimneys may project a distance not to exceed
30 three (3) feet; provided that such features do not occupy, in the aggregate, more
31 than one third (1/3) of the length of the wall on which they are located.
32

33 B. Subject to the conditions specified above, the above-named features may project
34 beyond any required side setback adjoining an interior side lot line a distance not to
35 exceed one-fifth (1/5) of the required width of such side setback, but not to exceed three
36 (3) feet in any case.
37

38 C. Where otherwise permitted, filling station pumps and pump islands may occupy the
39 front yards, provided, however, that pumps and pump islands shall not be less than
40 thirty (30) feet from front property line. The top of any canopy shall not be less than
41 fifteen (15) feet from the front property line.
42

1 D. Fences, Walls, and Hedges may be located in the established yards as follows:
2

- 3 1. Fences, walls, and hedges, not exceeding at any point four (4) feet in height
4 above the elevation of the surface of the ground, may be located in any front
5 yard or court, but not beyond the front property line. For fences erected in an
6 Industrial Zoning District (BC, I, I-1, or I-2), the maximum height shall be six
7 (6) feet.
8
- 9 2. Fences, walls, and hedges not exceeding at any point eight (8) feet in height
10 above the elevation of the surface of the ground, may be located in any rear
11 yard or side yard area.
12
- 13 3. For through lots, fences, walls, and hedges, not exceeding at any point eight (8)
14 feet in height above the elevation of the surface of the ground, may be located
15 in the non-access front yard, but not beyond the front property line.
16
- 17 4. In the I-1, I-2, I, or BC Zoning Districts, barbed wire may be affixed to the top
18 of an otherwise legal fence without respect to the height limitations applicable
19 thereto.
20
- 21 5. A non-solid feature (e.g. lattice) not exceeding an additional two (2) feet in
22 height may be added to the top of any otherwise legal fence.
23

24 E. Handicapped ramps as required by the State Handicapped Code requirements.
25

26 F. Decks may project beyond the required rear setback no more than ten (10) feet.
27

28 G. Screened porches which violate the prescribed setbacks because it is legally
29 grandfathered or which received a Variance from the Board of Zoning Appeals, may
30 be converted to enclosed living space.
31

32 H. Accessory mechanical equipment such as HVAC equipment, generators, etc., may be
33 located within the setback provided (i) a minimum of three feet separation from the
34 property line is maintained; (ii) no such equipment is located within the Visibility
35 Triangle; and (3) no such equipment is located between the primary street frontage
36 and the front building façade. Any such equipment shall also be screened, the
37 location and nature of which shall be indicated on plans necessary for site plan or
38 building permit approval.
39

40 **SECTION 28 – 1007 SUPPLEMENTAL USE STANDARDS** 41

42 Certain uses may be permitted in the various zoning districts subject to specific

development and/or performance standards as specified by this Ordinance and as determined by the Planner, the Town Engineer, the Board of Zoning Appeals, the Planning and Zoning Commission, and/or the Town Council. In instances where a standard references Planning and Zoning Commission approval, but where Planning and Zoning Commission review is not otherwise required, said approval authority shall be deemed to be vested in the Town Planner. Supplemental standards apply to traditional or planned developments. However, in planned developments, the Town Council may approve alternate methods of complying with any of these supplemental standards during the appropriate review process. These standards include:

28 – 1007.1 RESIDENTIAL USES

1. Specific residential uses listed below shall be subject to the following:

1. Agriculture

- a. All accessory structures, and pens for the raising of poultry or livestock (except pastures) shall be located at least two hundred (200) feet from any lot line.

2. Bed and Breakfast

- a. Any structure used as a Bed and Breakfast operation must meet all applicable fire, safety and health codes and regulations.
- b. Each Bed and Breakfast establishment must provide two (2) parking spaces plus one (1) additional space for each room which may be provided. The parking spaces are to be located on the property in such a manner as to minimize any adverse impact upon the appearance of the property and to minimize the destruction of shrubs and trees readily visible from a public way. In granting a Special Exception for a Bed and Breakfast establishment, the Board of Appeals shall specify appropriate buffers to separate parking areas from adjoining residential properties.
- c. The structure in which the Bed and Breakfast operation takes place shall be the principal residence of the owner of the property, or an outbuilding located on the same property provided said outbuilding satisfies all Building, Fire, and Safety Codes and Regulations for use in this manner.
- d. Meals for guests shall be limited to breakfast provided in an area of the dwelling generally utilized by the resident family for the

consumption of food.

- e. No person shall be a guest in a bed and breakfast operation for more than 15 consecutive nights.

3. Cottage Food Business.

- a. Cottage Food businesses shall operate in accordance with the standards and requirements of the State of Maryland as established in COMAR 10.15.03.02, 10.15.03.27

4. Day Care Facility, Family

- a. Applicant shall meet the requirements of the Office of Child Care Licensing and Regulation in the Department of Human Resources of the State of Maryland, or its successor agency for Family Day Care, including limits on the age of children, overall number of children permitted, and requirements for outdoor recreation area.
- b. The Town Planner/Board of Zoning Appeals may prescribe specific conditions determined necessary to minimize effects of use on neighboring properties given identification of concerns specific to a particular site.
- c. All such uses shall be located so as to permit the safe pickup and delivery of all persons on this site.
- d. This use shall be treated as an outright permitted use unless either of the following circumstances occurs:
 - 1. A Public Hearing is requested within seven (7) days of the posting of the property with a Town-provided sign and the placement of an advertisement concerning the application in a newspaper of general circulation in the Town of Easton and on the Town's website; or
 - 2. The Town Planner recommends denial of the application.

In the event that either 1 or 2 above occurs, the application shall be treated as a Special Exception and shall proceed in accordance with the standards applying thereto as specified in Article XIII, Section 28 – 1303.5.B.

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5. Garage or Yard Sales

- a. In any district which permits yard or garage sales, each lot shall be allowed to conduct no more than three (3) yard or garage sales events in any one (1) calendar year. A yard or garage sales event shall have a maximum duration of one (1) day. Each consecutive day that a yard or garage sale extends shall constitute a separate event.
- b. Signs shall be permitted under the provisions governing Temporary signs.

6. Garage, Private or Shed

- c. Detached garages or sheds may be located outside the building envelope. They must meet side setback requirements except for sheds that do not exceed ten feet in height which may be located in side yards within three feet of the property line. They may not be constructed in any front yard, except in the case of through lots in which case they may be constructed in the non-access front yard.
- d. Any garage, shed, or parking stall shall be setback a minimum of 15 feet from the centerline of any alley, if there is not an alley in the rear of the property the required setback is zero feet.
- e. Detached garages or sheds, together with a swimming pool (if one is present), may occupy no more than 50% of the rear yard area.
- f. Attached garages must meet all setback requirements and shall not extend closer to the street from which it is accessed than the house to which it is attached.

7. Granny Flat/Accessory Dwelling Unit

- a. Applicant shall have or obtain a Town of Easton Rental Housing License for the rental unit.
- b. One additional off-street parking space shall be provided for the granny flat.
- c. No more than one granny flat may be created on any one lot under the terms of these provisions.

- 1 d. The principal residence associated with the application for a granny
2 flat must be occupied by the owner of the property.
3

4 8. Halfway/Recovery Houses
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- 6 a. All Halfway/Recovery House subtypes (Small Halfway House,
7 Large Halfway House, and Recovery Residences) shall comply and
8 maintain compliance with all applicable State Regulations and
9 Licensing Requirements.
10

11 9. Homeless Shelter
12

- 13 a. The proposed homeless shelter must comply with all applicable
14 building, fire and safety and health codes and regulations.
15
16 b. Residents of the homeless shelter may be referred to the facility by
17 the Talbot County Department of Social Services or local law
18 enforcement officials, or other local service agencies.
19

20 10. Home Occupations
21

- 22 a. The applicant shall demonstrate that the occupation will be
23 conducted within the dwelling or accessory building and is clearly
24 secondary to the use of the dwelling for residential purposes. There
25 shall be no external evidence of business activity including
26 inordinate vehicular traffic, outside storage, noise, dust, fumes, or
27 other nuisances emitting from the premises. No more than one
28 ordinary vehicle per permitted home occupation, which contain a
29 sign or logo, may be maintained on the premises, provided said
30 vehicle is used in the daily operation of the business. Not permitted,
31 however, are vehicles other than those customarily found in a
32 residential neighborhood (i.e. cars, pick-ups, mini-vans, Sport
33 Utility Vehicles).
34
35 b. All employees shall be residents except that one full-time non-
36 resident employee may be on the premises if approved by the Board
37 of Zoning Appeals.
38
39 c. No outside storage of equipment, materials or items to be repaired
40 shall be permitted.
41
42 d. No article or commodity shall be offered for sale or publicly
43 displayed on the premises except those incidental to services

1 offered.

- 2
- 3 e. No off-street parking shall be required other than that necessary for
- 4 the permitted residential use.
- 5
- 6 f. The applicant shall provide an impact statement indicating the
- 7 nature of the business to be conducted, the maximum number of
- 8 persons expected on the premises at any one time, and the expected
- 9 traffic generation caused by the use.
- 10
- 11 g. Residential appearance shall be maintained and the proposed
- 12 development shall be in keeping with the character of the
- 13 neighborhood.
- 14
- 15 h. Illumination of the site will be at a minimum to achieve safety
- 16 requirements and shall be shielded from neighboring properties.
- 17
- 18 i. No more than twenty-five (25%) percent of the floor area of the
- 19 dwelling including an attached garage may be utilized for the home
- 20 occupation and not more than five (5%) percent may be used for
- 21 storage of stock in trade.
- 22
- 23 j. The applicant shall be entitled to one (1) non-illuminated sign
- 24 identifying the home occupation. Such sign shall be attached to the
- 25 building and shall be no greater in size than two (2) square feet.
- 26

27 11. Kennel

- 28 a. Kennels shall meet the side setback requirement and shall be setback
- 29 a minimum of eight feet from the rear property line. They shall not
- 30 be located in any front yard.
- 31
- 32 b. Situations involving nuisance animals are regulated by the Easton
- 33 Town Code and are enforced by the Talbot County Humane Society.
- 34
- 35

36 12. Manufactured Home Parks or Subdivisions

- 37
- 38 a. All manufactured home parks or subdivisions must be developed in
- 39 accordance with the Town of Easton Subdivision Regulations and
- 40 shall require Planning and Zoning Commission review and
- 41 approval.
- 42
- 43 b. At least ten (10%) percent of the gross development area shall be

reserved as common open space.

- c. The minimum total area required for a manufactured home park or subdivision shall be ten (10) acres.
- d. The minimum site area for each manufactured home within the park or subdivision shall be five thousand (5,000) square feet and each individual home site shall be defined by native landscape plantings and/or low-level decorative fencing.
- e. There shall be a minimum setback from any structure to any adjacent public street or road of fifty (50) feet.
- f. All interior access drives shall be privately owned and maintained by the owner/operator of the subdivision or park. Access drives shall be at least twenty (20) feet wide, shall be paved, and shall be approved by the Town Engineer.
- g. All structures within the subdivision or park shall be set back at least twenty-five (25) feet from the side lines of any internal access drives.
- h. No manufactured home within the subdivision or park shall be provided direct access onto a public street or road.
- i. A manufactured home subdivision or park shall be enclosed on all sides with a permanently maintained natural or artificial barrier/buffer in accordance with the provisions of Section 28 – 1014 of this Ordinance.
- j. All access roads, parking areas and walkways within the subdivision or park shall be illuminated at night. Illumination in the subdivision or park shall not cast any glare beyond the perimeter of the subdivision or park.
- k. Every manufactured home within the park or subdivision shall be certified as meeting the current National Manufactured Housing Construction and Safety Standards
- l. Every manufactured home shall have a gross floor area of at least six hundred (600) square feet.
- m. No manufactured home may be used exclusively for storage

purposes.

- n. Every manufactured home shall have a canopied or covered entranceway/porch at least sixty-four square feet in size. This standard may be waived or modified by the Planning and Zoning Commission if it finds that the standardized design of the unit already incorporates a covered porch or entryway.
- o. One (1) utility building is permitted for each manufactured home. Such building shall be located on the individual manufactured home site, and shall not exceed exterior dimensions of twelve (12) feet by twelve (12) feet and shall not exceed ten (10) feet in height.
- p. Every manufactured home, together with all enclosed extensions or structural additions shall be installed upon an approved anchor tie-down system and shall be securely anchored thereto so as to prevent the home from shifting or overturning. The undercarriage of every manufactured home shall be suitably hidden by some form of opaque skirting.
- q. A manufactured home subdivision shall comply with all requirements of the Easton Subdivision Regulations.

13. Middle Housing Types

a. Duplex, side-by-side

- 1. One duplex shall be permitted on any legally recorded lot that complies with the development standards applicable to the zoning district, other than the density provisions. Multiple duplexes on a single lot may be considered, but must comply with density limits.

b. Duplex, stacked

- 1. One duplex shall be permitted on any legally recorded lot that complies with the development standards applicable to the zoning district, other than the density provisions. Multiple duplexes on a single lot may be considered, but must comply with density limits.

1
2
3 c. Cottage Court
4

- 5 1.The maximum height of a cottage court shall be one and one-
6 half stories, except that if the rear building is parallel to the
7 primary street, that building may be a maximum of two
8 stories.
9 2.Any on-site parking shall be provided in a clustered parking
10 area, detached from the homes. No units shall be designed
11 such that a resident can drive into a garage and walk directly
12 into their unit.
13 3.Side setbacks for single-story buildings may be reduced to
14 no less than five feet from the side property line.
15 4.The rear setback may be reduced to zero (0') feet.
16 5.The minimum width and depth of the courtyard area shall be
17 twenty-five feet (25').
18 6.The maximum density of a cottage court shall be the greater
19 of the base zoning (or PR Zoning if applicable) or 30 du/ac.
20

21
22 d. Fourplex, stacked
23

- 24 1.The minimum lot width for a stacked fourplex shall be fifty
25 feet (50').
26 2.One fourplex shall be permitted on any legally recorded lot
27 that complies with the development standards applicable to
28 the zoning district, other than the density provisions.
29 Multiple fourplexes on a single lot may be considered, but
30 must comply with density limits.
31 3.Minimum open space requirements shall not apply for this
32 unit type.
33
34
35
36
37
38

39 e. Townhouse
40

- 41 1.The minimum dimension, width or depth, of all living units
42 shall be eighteen (18) feet.
43

1 2.In the R-7A, R-10A, and R-10M districts, no more than three
2 (3) units may be constructed with the same front setback and
3 no more than six (6) units may be constructed in one building
4 at first floor level. In the CBD district, no more than nine
5 (9) units may be constructed in one building at first floor
6 level.

7
8
9 3.The maximum permitted density shall be as follows:

- 10
11 i. In R-7A - 8 dwelling units per acre.
12
13 ii. In R-10A and R-10M Districts - 5 dwelling units per
14 acre.
15
16 iii. In the CBD Zoning District – 12 dwelling units per acre.
17
18 iv. In the MXW – the density shall be as specified in Article
19 3 (see Table 312 B).
20

21 4.Attached front-loaded garages are not permitted in a
22 Townhouse unit.

23
24
25 g. Triplex, stacked

- 26
27 i. A stacked triplex building shall not be permitted on a lot if each
28 of the principal structures on lots adjacent to the subject property
29 are less than two stories in height.
30
31 ii. One triplex shall be permitted on any legally recorded lot that
32 complies with the development standards applicable to the
33 zoning district, other than the density provisions. Multiple
34 triplexes on a single lot may be considered, but must comply
35 with density limits.
36

37 h. Mansion Apartment

- 38
39 i. Mansion apartments shall have a maximum building width of
40 seventy-five feet (75') and a maximum building depth of sixty
41 feet (60').
42
43 ii. One mansion apartment shall be permitted on any legally

1 recorded lot that complies with the development standards
2 applicable to the zoning district, other than the density
3 provisions. Multiple mansion apartments on a single lot may be
4 considered, but must comply with density limits.
5
6

7 i. Courtyard Building
8

- 9 i. One courtyard building shall be permitted on any legally
10 recorded lot that complies with the development standards
11 applicable to the zoning district, other than the density
12 provisions. Multiple courtyard buildings on a single lot may be
13 considered, but must comply with density limits.
14
15 ii. Courtyards may be an L-shaped, C-shaped, or O-shaped
16 configuration.
17
18 iii. Wings projecting out from the main building shall be no wider
19 than thirty-five feet (35').
20
21 iv. All ground floor units shall have direct access to a courtyard.
22
23 v. The minimum width and depth of the courtyard shall be thirty
24 feet (30').
25

26 j. Live-work Units
27

- 28 i. The ground floor space may be occupied by any retail space or
29 food and beverage establishment provided that it complies with
30 any supplemental standards for such uses.
31
32 ii. The ground floor and upper floor spaces shall establish the
33 greater of a two hour fire separation or the requirement of the
34 Town of Easton Building Code.
35
36 iii. Additional parking for the ground floor unit shall not be
37 required.
38
39 iv. The ground floor unit shall have a minimum floor-to-ceiling
40 height of ten feet (10').
41
42 v. The ground floor unit may subsequently be converted to a
43 second residential unit provided the standards applicable to the

1 use, duplex, stacked are achieved.
2
3

4 14. Multi-Family Apartment Complex
5

- 6 a. Multi-family apartment complexes dwelling shall be constructed in
7 accordance with an approved Site Plan prepared under the provisions of
8 Section 28 – 901 of this Ordinance.
9
- 10 b. At least twenty-five (25%) percent of the gross development area shall
11 be reserved as common open space, except for projects developed in the
12 CBD Zoning District, in which case this standard shall not apply.
13
- 14 c. The setback requirements for multi-family apartment complexes shall
15 be determined by the development standards for the zoning district in
16 which the project is located except as hereby modified:
17
- 18 i. When more than one (1) apartment building is constructed, all
19 buildings shall collectively adhere to the front setback
20 requirements of the district in which they are located, plus five
21 (5) feet per story over two (2) stories, or portion thereof.
22
- 23 ii. When more than one (1) apartment building is built, no building
24 shall be closer than twenty-five (25) feet from any other
25 apartment building that is part of the complex.
26
- 27 iii. No apartment structure shall be constructed at a distance of less
28 than twenty (20) feet from any adjoining property lines; except
29 for such structures constructed in the CBD district, wherein the
30 development standards for that district shall apply.
31
- 32 d. When more than one apartment building is constructed, external
33 walkways shall be paved and lighted.
34
- 35 e. In the event that swimming facilities are designed as a part of the
36 project, these facilities shall be enclosed by a fence not less than six (6)
37 feet high.
38
- 39 f. All areas not utilized for building or off-street parking shall be
40 landscaped and maintained in accordance with Section 28 – 1014 of this
41 Ordinance.
42
- 43 g. All buildings within the multi-family apartment complex shall be of

1 compatible architectural design.

2
3 h. Architecture shall be compatible among the units within the
4 development and harmonious with the existing architecture of the Town
5 of Easton.

6
7 i. Public water and sewerage systems must be available to serve the
8 project.

9
10 j. The maximum permitted density shall be as follows:

11
12 i. In R-7A - 8 dwelling units per acre.

13
14 ii. In R-10A and R-10M Districts - 5 dwelling units per acre.

15
16 iii. In the CBD Zoning District – 30 dwelling units per acre.

17
18 iv. In the MXW – See Article 3 (Table 312 B) for density
19 provisions.

20
21 k. Side yard setback requirements for apartment buildings adjacent to a
22 single family detached residence or vacant residential lot shall be fifty
23 (50). Parking setback is also fifty (50) feet.

24
25 l. Rear yard setback requirements for apartment buildings adjacent to a
26 single family residence or vacant residential lot shall be seventy-five
27 (75) feet. The setback for parking areas is also seventy-five (75) feet.

28
29
30 15. Short-Term Housing

31
32 a. Short-term housing shall comply with the requirements for Rental
33 Housing units as specified in Chapter 14 of the Town Code.

34
35
36 16. Single-Family Detached Dwelling Units

37
38 a. Similarity Restricted

39
40 No building permit shall be issued for any new single-family
41 dwelling unit, which is similar in appearance to any dwelling unit
42 near the proposed building, as further defined below.
43

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b. Exemptions

The following dwelling units or projects shall be exempt from the provisions of this Section:

1. Dwellings for which a building permit was approved before the effective date of these Regulations, including dwellings that are being remodeled, reconstructed, or replaced after damage by fire, flood, or other casualty.
2. Subdivisions already in progress, and developing under the provisions of Section 28 – 106 (applicability).
3. Multi-family projects, including apartments.
4. Planned Unit Development or Planned Redevelopment Projects in which similarity of architectural form and style among dwelling units is clearly indicated in the Plans for such projects and such similarity is determined by the approving body to be integral to the success of a unified plan.

c. Calculations of Differences in Appearance

- vi. Differences in bulk and massing shall be reviewed for two (2) lots on either side of the proposed unit on the same side of the street.
- vii. Where lots are interrupted by an intervening street, parkland or similar feature of at least fifty (50) feet in width, no review shall be necessary.
- viii. The proposed unit shall be considered different from any vacant lot for which no building permit has been issued without requiring further documentation.

d. Differentiation

The proposed unit shall differ from each other house in at least two (2) of the five criteria listed below, unless the units differ with respect to the number of full stories (#2) then only #2 is required.

1. The unit is a different housing type.

- a. Single-family detached;
- b. Zero lot line (where allowed);
- c. Single-family attached; or
- d. Single-family detached rotated ninety (90) degrees (i.e. the narrower façade fronts the street as opposed to the wider façade).

2. The unit differs in the number of full stories.

3. The unit is served by a different type of garage.

- a. Front-load garage;
- b. Side-load garage;
- c. Rear-load garage;
- d. Detached garage;
- e. Carport; or
- f. No Garage.

4. The unit has a different roof type

- a. Gable
- b. Hip;
- c. Gambrel
- d. Mansard;
- e. Roof types a through d rotated ninety (90) degrees; or
- f. Flat.

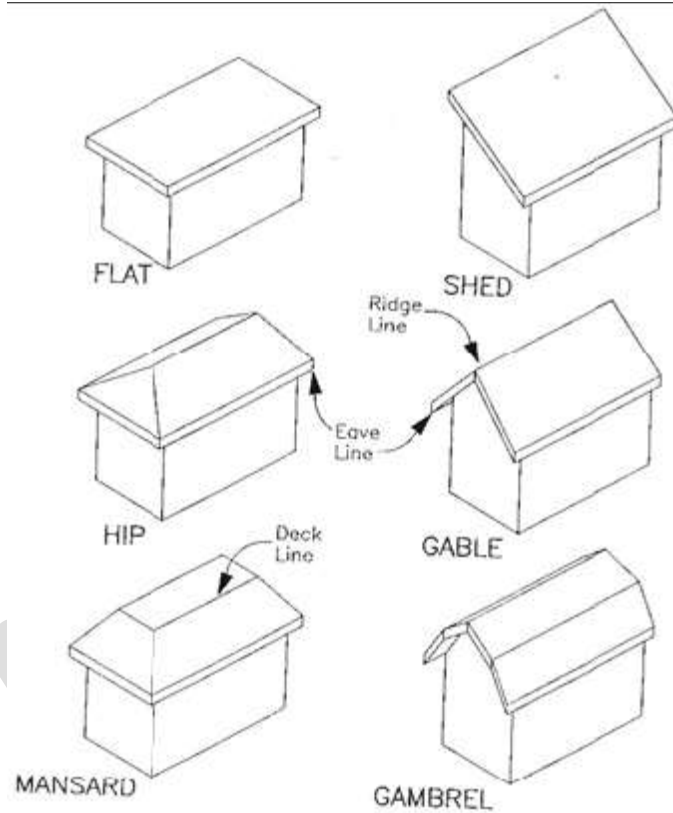


Figure 10.1 Sample Roof Types

5. The unit has variation in the articulation of the front façade.
 - a. Garage setback from the front façade of at least four (4) feet;
 - b. Covered, open walled porch of at least six (6) feet in depth extending at least thirty-three (33) percent of the width of the front façade; or
 - c. Other articulation of the front façade at least four (4) feet in depth, extending at least thirty-three (33) percent of the width of the front façade.
6. Although not required, differentiation in color between adjacent homes is strongly encouraged.

1 e. Permit Review

- 2
- 3 i. Acceptable documentation may include photographs of
- 4 the other structures in question (no building elevations
- 5 are required).
- 6
- 7 ii. A subdivision or phase thereof may be reviewed as a
- 8 whole for conformity with this requirement, provided
- 9 that adequate documentation to ensure conformity is
- 10 submitted with the plat. Such documentation is not
- 11 required to be recorded as part of the plat.
- 12

13 17. Swimming Pool

- 14
- 15 a. Swimming pools may be located outside the building envelope;
- 16 however, they may not be constructed in any front yard.
- 17
- 18 b. Swimming pools and any supporting braces, pool filtration systems, or
- 19 decks must be setback a minimum of eight feet from any property line
- 20 or may adhere to the minimum setback of the district, whichever is
- 21 lesser.
- 22
- 23 c. Swimming pools, together with garages or sheds, (if present), may
- 24 occupy no more than 50% of the rear yard area.
- 25

26 18. Tiny Houses

- 27
- 28 a. A single tiny house may be constructed on any legally-recorded, non-
- 29 conforming, residentially-zoned parcel.
- 30
- 31 b. Tiny Houses shall comply with the Easton Building Code standards
- 32 specifically promulgated for such use.
- 33
- 34 c. Tiny houses intended to be portable shall be regulated subject to the
- 35 standards for recreational vehicles herein.
- 36
- 37 d. Tiny house subdivisions or proposals of multiple tiny houses on a single
- 38 lot may only be considered via the Planned Unit Development process.
- 39

40 19. Waterfront development

- 41
- 42 a. Except where otherwise specifically stated in this Ordinance, the
- 43 following conditions shall control the use and development of land

1 abutting upon a man-made or natural waterway:

- 2
- 3 ix. Only land situated and lying above the mean high waterline
- 4 should be considered when determining the area of a lot or the
- 5 permitted density of uses or structures upon said lot:
- 6
- 7 x. The required front setback and yard for a principal structure
- 8 shall be measured from the mean high waterline except where
- 9 said principal structure is a pier, wharf, landing or boathouse.
- 10

11 **28 – 1007.2 COMMERCIAL USES**

12

13 A. Specific Commercial uses listed below shall be subject to the following:

14

15 1. Adult-Oriented Business

16

17 a. Viewing booths and Live Viewing Booths are prohibited in all

18 zoning districts.

19

20 b. In addition to any buffer, buffer yard, setback, or other design

21 criteria generally applicable to permitted uses in the Select

22 Industrial (I-1) Zoning District, an Adult-Oriented Business

23 must meet the following setback criteria:

24

25 i. The closest portion of a building or structure in which an

26 Adult Oriented Business is located shall not be within

27 one thousand (1,000) feet of the boundary of any parcel

28 of land that is zoned residentially or Regional Healthcare

29 (RH).

30

31 ii. The closest portion of a building or structure in which an

32 Adult Oriented Business is located shall not be within

33 five hundred (500) feet from the boundary of any parcel

34 of land containing a school, house of worship, park or

35 recreation facility, day care center – small group, day

36 care center – group, or day care facility – family.

37

38 iii. For the purposes of this Section, measurement shall be

39 made in a straight line, without regard to intervening

40 structures or objects.

41

42 iv. A lawfully operating Adult Oriented Business shall not

1 be rendered a non-conforming use by the location,
2 subsequent to the grant or renewal of an Adult Oriented
3 Business license pursuant to Easton Town Code § 30-14,
4 of a residential zoning district, school, house of worship,
5 park or recreation facility, day care center – small group,
6 day care center – group, or day care facility – family
7 within buffer distances provided for above.
8

9 c. An Adult Oriented Business shall provide or cause to be
10 provided for all exterior areas, including but not limited to,
11 parking lots or areas, loading docks, and sidewalks sufficient
12 lighting to illuminate the exterior areas of the business to an
13 illumination level of not less than two foot-candles and shall be
14 equipped with video surveillance cameras that monitor the
15 exterior portions of the premises from a management station
16 located within the business.
17

18 d. An Adult Oriented Business may not erect a fence, wall, or
19 other barrier that prevents any portion of the parking lot(s) for
20 the establishment from being visible from a public right of way.
21

22 e. An Adult Oriented Business must post appropriate signage
23 prohibiting parking at the premises for persons other than
24 patrons of the business and prohibiting the use of the exterior of
25 the premises for other than ingress, egress, parking and solid
26 waste deposit/processing for bona fide employees and patrons of
27 the business.
28

29 f. In the case of Adult Oriented Businesses other than an adult
30 book or video store, and to the extent not regulated under Article
31 2B of the Annotated Code of Maryland (or successor provisions
32 thereof), shall be constructed and maintained in such manner
33 that the conduct, promotion, delivery, provision, or performance
34 of adult entertainment or material is not visible in any way or
35 manner, or to any degree, from outside the building.
36

37 g. No Adult Oriented Business may be conducted on the same
38 parcel as, in the same building as, or in conjunction with any
39 hotel, motel, bed and breakfast inn, boarding house, or in any
40 structure or portion thereof not generally open to the public and
41 freely accessible to patrons at all time.
42

43 h. An Adult Oriented Business shall not have displayed on or

1 about the exterior of any building in, or premises on, which an
2 Adult Oriented Business is located, any sign, advertisement, or
3 depiction visible to the general public, wherever located,
4 containing any adult oriented entertainment or material.
5

6 2. Animal Hospital/Veterinary Clinics or Services
7

- 8 a. Disposal of waste shall be through approved, safe means and
9 shall be separate from regular trash disposal.
10

11 3. Automobile Sales or Showrooms
12

- 13 a. All sales and installation facilities operations shall be conducted
14 within a wholly enclosed building. Outdoor display of motor
15 vehicles for sale shall be permitted if areas for this purpose are
16 integrated into the overall site design and are compatible with
17 the adjacent and neighboring properties. Applicant shall submit
18 a plan indicating outdoor storage areas and screening of such
19 areas. The Planning and Zoning Commission may require
20 additional landscape treatment to address this requirement.
21 Neighboring properties shall be protected from site illumination,
22 noise, and odor.
23

- 24 b. Display for sale or rental purposes of motor vehicles, trailers,
25 boats, camping trailers, or other vehicles may be permitted
26 provided that the lot on which the vehicles are parked is
27 adequately screened from all neighboring residentially zoned
28 land or land proposed for residential purposes by the
29 Comprehensive Plan. In addition to buffering and landscaping
30 requirements, a sightly, solid wall or fence at least three (3) feet
31 in height shall be located along all property lines adjoining
32 residentially zoned land, such wall shall contain no advertising
33 and shall be maintained in good condition.
34

- 35 c. The area of the lot devoted to buildings and vehicle display or
36 storage shall include no more than seventy-five (75%) percent
37 of the total lot area, exclusive of flood plains, steep slopes, or
38 other environmentally sensitive areas.
39

- 40 d. The number and type of vehicles permitted on the lot shall be
41 determined on a case-by-case basis taking into account factors
42 such as the gross weight of the vehicle, vehicle size, nature of
43 the vehicle (commercial, industrial, passenger, or other) impacts

on adjoining properties and traffic implications of the facility.

e. The applicant shall design buildings to complement and contribute to desirable community character in terms of shape and style, roof lines, color, and materials.

f. The applicant shall site new buildings to ensure that adjacent properties have visual privacy and sunlight as well as protection from new developments, site illumination, noise, and odor.

g. The applicant shall design and site buildings to screen from public view unsightly site elements such as shipping and loading areas, car storage areas, dumpsters, etc.

h. The applicant shall protect pedestrian areas from vehicular intrusion with landscaping and curbs that are integrated into the overall streetscape.

i. The applicant shall identify a safe, identifiable driving lane within the parking lot.

j. The applicant shall use landscaping islands, curbs, and signs to clearly distinguish the parking from loading and delivery and driving lanes.

k. The applicant shall provide adequate space on site for service and delivery vehicles.

l. The applicant shall provide turning areas in order to avoid dead-end parking situations.

4. Automotive Repair Garage and Gasoline/Service Station

a. Bulk storage of flammable liquids shall be underground and shall be subject to setback requirements.

b. The entrance or exit at such establishment shall be at least fifty (50) feet from any lot zoned residential.

c. There shall be no open storage or accumulation of junk or scrap.

d. No structure or building shall be erected within thirty (30) feet of any dwelling.

- 1
2 e. The applicant shall design and site buildings to screen from
3 public view unsightly site elements such as shipping and loading
4 areas, car storage areas, dumpsters, etc.
5
6 f. No vehicular entrance or exit to such a facility shall be located
7 within one-hundred (100) feet of any intersection.
8
9 g. Any facility which repairs or services automobiles shall provide
10 an area for the long-term storage of vehicles. The area to be
11 provided shall be at least 800 square feet for each service area or
12 bay in the facility. Such an area shall be for the storage of
13 vehicles only and therefore shall not be subject to any of the
14 dimensional requirements for parking areas.
15
16 h. The maximum fence height in front yards may be exceeded for
17 this use if necessary to better screen or secure vehicles placed in
18 the long-term storage area associated with the use. In such
19 instances, the maximum permitted height shall be six (6) feet.
20

21 5. Bistro

- 22
23 a. Light food service shall be made available during all times
24 when wine and/or beer is served for consumption on premises.
25

26 6. Brew Pub

- 27
28 a. Any brew pub which is permitted to have off-premise alcohol
29 sales shall meet the minimum spacing requirements of liquor
30 stores (Section 28 – 1007.2. A. (14)).
31

32 7. Catering

- 33
34 a. No consumption of food or beverages shall be permitted on the
35 site of the catering business when said business is located within
36 an I-1 zoning district.
37

38 8. Christmas Tree Sales

- 39
40 a. Sales of Christmas Trees shall be permitted only between the
41 dates of November 15 and December 26.
42
43 b. Storage or display of the trees shall not obstruct any

handicapped parking spaces, traffic signs, or site lines at entrances or exits.

- c. This use is only permitted on a temporary basis and shall be totally removed and the site returned to exact previous appearance by December 31.

9. Commercial Kennel

- a. Any buildings or runs associated with the kennel shall be setback a minimum of 200 feet from any property line and shall be screened from view from adjacent parcels.

10. Convenience Stores

- a. The applicant shall design and site buildings to screen from public view unsightly site elements such as shipping and loading areas, dumpsters, etc.
- b. The applicant shall provide adequate space on site for service and delivery vehicles.
- c. No entrance or exit to such a facility shall be located within one-hundred (100) feet of any intersection.
- d. Any convenience or grocery store which proposes to sell alcoholic beverages shall also be subject to the supplemental standards prescribed for liquor stores.

11. Craft Beverage Manufacturing

- a. Any Craft Beverage Manufacturing use which is permitted to have off-premises alcohol sales shall meet the minimum spacing requirements of liquor stores, except that the minimum separation requirements from parks, shall not apply to Craft Beverage Manufacturing uses established in the CB Zoning District.
- b. Restaurants or tasting rooms are permitted in conjunction with craft production beverage establishments. In the A-1, I-1, or BC Zoning Districts, restaurants or tasting rooms shall be limited to a maximum size of 50% of the total gross floor area of the principal building used for processing, or two-thousand five

1 hundred (2,500) square feet, whichever is less.
2

3 c. Off- street parking shall be provided in accordance with the
4 standards of section 28 – 1001 of this Ordinance. The parking
5 requirement shall be calculated by assigning the applicable
6 standard to the corresponding area of operation. Temporary
7 areas for overflow parking for special events shall be indicated
8 on the site plan.
9

10 d. Live entertainment shall be permitted. When applying for a
11 craft beverage production establishment, the applicant shall
12 specify the type of entertainment and days of the week and hours
13 of the day in which entertainment is to be performed. Outdoor
14 entertainment shall be non-amplified or located a minimum of
15 five hundred (500) feet away from any property line.
16

17 e. Promotional or special events, such as, but not limited to,
18 wine/beer/etc. festivals, publicly advertised functions,
19 conferences, workshops, fundraising or charitable functions,
20 weddings, receptions, social events, or cultural exhibits and
21 similar events, where the number of persons in attendance at any
22 given time exceeds two hundred (200) persons, shall be
23 permitted but restricted to no more than eight such events per
24 calendar year. Smaller, less attended, functions, such as, but not
25 limited to, tastings, private parties, facility tours, meetings or
26 picnics, are permitted without limitation on the number of
27 events.
28

29 f. Craft beverage manufacturers are defined as producing no more
30 than twenty thousand (20,000) barrels of beer or thirty-six
31 thousand (36,000) gallons of distilled spirits, wine, cider or
32 mead per year. Establishments which exceed these limits shall
33 be considered a “Bottling or distribution station for beverages”
34 and regulated as prescribed in this Ordinance for that use.
35

36 12. Day Care Centers, Group or Large Group; 37

38 a. Applicant shall meet the requirements of the Office of Child
39 Care Licensing and Regulation in the Department of Human
40 Resources of the State of Maryland, or its successor agency for
41 Group Day Care.
42

43 b. A Group Day Care Center or Large Group Day Care Center

1 shall not have more day care children than the number which
2 appears on the certificate of registration issued by the Office of
3 Child Day Care Licensing and Regulation to such Center and
4 Provider.
5

6 c. The Planning and Zoning Commission may prescribe specific
7 conditions determined necessary to minimize effects of use on
8 neighboring properties given identification of concerns specific
9 to a particular site.
10

11 d. The applicant shall have one hundred (100) square feet of
12 usable outdoor recreation area for each child that may use this
13 space at any time. Such usable outdoor recreation area shall be
14 identified on the site plan and shall be sufficiently buffered from
15 adjacent residential areas. Usable outdoor recreation areas shall
16 be limited to the side and rear yard of the property.
17

18 e. The day care center and provider shall comply with Article 88A
19 of the Annotated Code of Maryland and the State Department of
20 Human Resources regarding group day care centers.
21

22 f. All such uses shall be located so as to permit the safe pickup
23 and delivery of all persons on this site.
24

25 13. Farmer's Market 26

27 a. All Farmers' Markets and their vendors shall comply with all
28 federal, state and local laws relating to the operation, use and
29 enjoyment of the market premises.
30

31 b. All Farmers' Markets and their vendors shall obtain all required
32 operating and health permits and these permits (or copies) shall
33 be in the possession of the Farmers' Market operator or the
34 vendor, as applicable, on the site of the Farmers' Market during
35 all hours of operation.
36

37 c. All Farmers' Markets shall have a representative of the operator
38 authorized to direct the operations of all vendors participating in
39 the market on the site of the market during all hours of operation.
40

41 d. All Farmers' Markets shall establish and maintain rules of
42 operation governing the eligibility of vendors, products that may
43 be sold, conduct of vendors, set up of the market, etc.

1
2 14. Hotels/Motels
3

- 4 a. Accessory uses may include gift shop, beauty shop, barber
5 shop, salon, restaurant, cocktail lounge/night club,
6 auditorium/meeting facilities and similar retail stores and
7 commercial establishments.
8
9 b. Circulation and parking shall be adequate to fulfill requirements
10 of all proposed uses - principal and accessory. A traffic analysis
11 shall be provided by the applicant demonstrating adequacy of
12 the system to the satisfaction of the Planning and Zoning
13 Commission.
14
15 c. The applicant shall design the building roof to screen
16 mechanical equipment from public view and to contribute to an
17 attractive streetscape.
18
19 d. The applicant shall develop the public streetscape between the
20 street-front of the building and the street curb as a safe and
21 convenient pedestrian area with attractive amenities such as
22 paving, lighting, seating, shelter, and landscaping.
23
24 e. The applicant shall locate amenities such as lighting, seating,
25 shelter, and landscaping into attractive groupings that provide
26 for safe and unobstructed pedestrian movement.
27
28 f. The applicant shall design fences and retaining walls that are
29 consistent in materials and quality to that of the building and the
30 adjacent properties.
31
32 g. The applicant shall design and locate signs so that their
33 illumination is directed away from adjacent properties, and such
34 that their design is integrated into the site and the streetscape.
35
36 h. Vehicular access to the subject property shall not be by means
37 of any street internal to a residential subdivision.
38

39 15. Indoor Recreation Facility
40

- 41 a. The minimum required lot size for this use shall be five (5)
42 acres.
43

1
2 16. Liquor Stores
3

- 4 a. No liquor store shall be permitted within one thousand (1,000)
5 feet (measured from the closest portion of the affected
6 properties) of any of the following uses: Schools, Colleges &
7 Universities, Houses of Worship, Family Day Care, Day Care
8 Group, Day Care Small Group, and Park.
9

10 17. Major Retail
11

12 a. Applicability
13

14 The following supplemental standards for major retail uses do
15 not apply to any non-retail commercial uses, or the following
16 retail uses:
17

18 Use # 2.1 B –
19

- 20 6. Auto Sales or Showroom
21 31. Construction Equipment Sales or Rental
22 32. Construction Supply and Services
23 46. Farm Equipment, Trailer or Marine Products Sales &
24 Service
25 48. Farmers Market
26 55. Greenhouses, Nurseries, etc.
27

28 b. Facades and Exterior Walls
29

- 30 i. All facades greater than 100 feet in length, measured
31 horizontally, shall incorporate wall plane projections or
32 recesses having a depth of at least three percent (3%) of
33 the length of the façade. No uninterrupted length of any
34 façade shall exceed one hundred (100) horizontal feet.
35
36 ii. All facades shall have arcades, display windows, entry
37 areas, awnings, or other such features along no less than
38 sixty percent (60%) of their horizontal length.
39

40 c. Detail Feature
41

- 42 i. Building facades must include a repeating pattern that
43 shall include no less than three (3) of the elements listed

1 below. At least one of these elements shall repeat
2 horizontally. All elements shall repeat at intervals of no
3 more than thirty (30) feet, either horizontally or
4 vertically:
5

- 6 • Color Change
- 7 • Texture Change
- 8 • Material Module Change
- 9 • Expression of architectural or structural bay
10 through a change in plane no less than 12 inches
11 in width, such as an offset, reveal or projecting
12 rib.
13

14 d. Roofs

15 Roofs shall have at least two (2) of the following features:
16

- 17 i. Parapets completely concealing flat roofs and all rooftop
18 equipment from public view. The average height of such
19 parapets shall not exceed fifteen percent (15%) of the
20 height of the supporting wall and such parapet shall not
21 at any point exceed one-third of the height of the
22 supporting wall. Such parapets shall feature three-
23 dimensional cornice treatments.
24
- 25 ii. Overhanging eaves, extending no less than three (3) feet
26 past the supporting walls.
27
- 28 iii. Sloping roofs that do not exceed the average height of
29 the supporting walls, with an average slope greater than
30 or equal to one (1) foot of vertical rise for every three (3)
31 feet of horizontal run and less than or equal to one (1)
32 foot of vertical rise for every one (1) foot of horizontal
33 run.
34
- 35 iv. Multiple roof slope planes.
36

37 e. Materials and Colors

- 38 i. Predominant exterior building materials shall be high
39 quality materials. These include, without limitation:
40
41
42

- Brick
- Wood
- Tinted, textured, concrete masonry units
- Other native materials

ii. The predominate façade colors shall be low reflectance, subtle, neutral, or earth tone colors. The use of high intensity or fluorescent colors is discouraged.

iii. Building trim and accent areas may feature brighter colors, including primary colors, but neon tubing shall not be an acceptable feature for building trim or accent areas.

iv. Predominant exterior building materials shall not include the following:

- Smooth-faced block
- Tilt-up concrete panels
- Pre-fabricated steel panels
- Vinyl siding
- Aluminum siding

f. Entryways

i. Each principal building on a site shall have clearly defined, highly visible customer entrances featuring at least three (3) of the following:

- Canopies or porticos
- Overhangs
- Recesses/projections
- Arcades
- Raised corniced parapets over the door
- Peaked roof forms
- Arches
- Outdoor patios
- Display windows
- Architectural details such as tile work and moldings which are integrated into the building structure and design
- Integral planters or wing walls that incorporate landscaped areas and/or places for sitting

1
2 g. Entrances
3

- 4 i. All sides of a principal building that directly face an
5 abutting public street shall feature at least one (1)
6 customer entrance. Where a principal building directly
7 faces more than two abutting public streets, this
8 requirement shall apply only to two (2) sides of the
9 building, including the side of the building facing the
10 primary street, and another side of the building facing a
11 second street.
12

13 h. Outdoor Storage, Trash Collection and Loading Areas
14

- 15 i. Areas for outdoor storage, truck parking, trash collection
16 or compaction, loading, or other such uses shall not be
17 visible from abutting streets.
18
19 ii. No areas for outdoor storage, trash collection or
20 compaction, loading, or other such uses shall be located
21 within twenty-five (25) feet of any public street, public
22 sidewalk, or internal pedestrian way.
23
24 iii. Loading docks, truck parking, outdoor storage, utility
25 meters, HVAC equipment, trash collection, trash
26 compaction, and other service functions shall be
27 incorporated into the overall design of the building and
28 the landscaping so that the visual and acoustic impacts
29 of these functions are fully contained and out of view
30 from adjacent properties and public streets, and no
31 attention is attracted to the functions by the use of
32 screening materials that are different from or inferior to
33 the principal materials of the building and landscape.
34
35 iv. Non-enclosed areas for the storage and sale of seasonal
36 inventory shall be permanently defined and screened
37 with walls and/or fences. Materials, colors, and design
38 of screening walls and/or fences and the cover shall
39 conform to those used as predominant materials and
40 colors on the building.
41
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i. Pedestrian Flows and Bicycle Traffic

- i. Sidewalks at least eight (8) feet in width shall be provided along all sides of the lot that abut a public street.
- ii. Continuous internal pedestrian walkways, no less than eight (8) feet in width, shall be provided from the public sidewalk or right-of-way to the principal customer entrance of all principal buildings on the site. At a minimum, walkways shall connect focal points of pedestrian activity such as, but not limited to, transit stops, street crossings, building and store entry points, and shall feature adjoining landscaped areas that include trees, shrubs, benches, flower beds, ground covers, or other such materials for no less than fifty percent (50%) of its length.
- iii. Sidewalks, no less than eight (8) feet in width, shall be provided along the full length of the building along any façade featuring a customer entrance, and along any façade abutting public parking areas. Such sidewalks shall be located at least six (6) feet from the façade of the building to provide planting beds for foundation landscaping, except where features such as arcades or entryways are part of the façade.
- iv. Internal pedestrian walkways provided in conformance with part (ii) above shall provide weather protection features such as awnings or arcades within thirty (30) feet of all customer entrances.
- v. All internal pedestrian walkways shall be distinguished from driving surfaces through the use of durable, low maintenance surface materials such as pavers, bricks, or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways.
- vi. Bicycle traffic shall be accommodated by providing adequate bicycle circulation routes (which may or may not be combined with the required pedestrian walkways and sidewalks) as well as bicycle storage facilities (i.e. racks or lockers).

1
2
3
4 j. Central Features and Community Spaces
5

- 6 i. Each establishment subject to these standards shall
7 contribute to the establishment or enhancement of
8 community and public spaces by providing at least two
9 of the following:

- 10 • Patio/seating area
11 • Pedestrian plaza with benches
12 • Transportation center
13 • Window shopping walkway
14 • Outdoor playground area
15 • Kiosk area
16 • Water feature
17 • Clock tower
18 • Other such deliberately shaped area and/or a
19 focal feature or amenity that, in the judgement of
20 the Planning and Zoning Commission,
21 adequately enhances such community and public
22 spaces.
23

24 Any such areas shall have direct access to the public sidewalk
25 network and such features shall not be constructed of materials that
26 are inferior to the principal materials of the building and landscape.
27

28
29 k. Abatement of Nuisance to Neighboring Properties
30

- 31 i. Neighboring properties shall be protected from site
32 illumination, noise, odor, or any other impact which
33 could potentially be a nuisance to those properties.
34

35 l. Maximum Size
36

- 37 i. No structure shall exceed sixty-five thousand (65,000)
38 square feet in gross floor area. This provision shall not
39 apply for: (i) retail stores within or adjacent to shopping
40 centers which were approved prior to Aug. 25, 2004,
41 including projects which involve the expansion of
42 individual stores within an existing shopping center; or

1 the redevelopment of an existing shopping center; or the
2 expansion of an existing center onto an abutting site or
3 an adjacent site; or the construction of a new retail store
4 on a site adjacent to an existing shopping center; or (ii)
5 home improvement centers.
6

7 m. Bus Shelter
8

9 A bus shelter (or shelters) shall be provided to afford bus
10 riders the opportunity to wait for their bus in a structure that
11 protects them from inclement weather. The location of such
12 shelter(s) shall be shown on the site plan at the sketch plan
13 level.
14

15 18. Marketplace Building – Commercial
16

17 a. Marketplace buildings shall meet all applicable health and
18 building codes.
19

20 b. Marketplace buildings shall adhere to all applicable setback
21 regulations.
22

23 19. Medical Cannabis Dispensary
24

25 a. A medical cannabis dispensary shall be licensed and operate in
26 accordance with State of Maryland regulations for such use
27 pursuant to COMAR 10.62.01 to 10.62.35.
28

29 b. No medical cannabis dispensary shall be permitted within one
30 thousand (1,000) feet (measured from the closest portion of the
31 affected properties) of any of the following uses: Schools,
32 Colleges & Universities, Houses of Worship, Family Day Care,
33 Day Care Group, Day Care Small Group, and Park.
34

35 20. Multiple Uses
36

37 a. Each use must be permitted within the zone either by right or
38 via Special Exception.
39

40 b. Changes of use do not require additional Special Exceptions
41 provided that the new uses are also permitted within the zone.
42 Any new uses that are only permitted via Special Exception shall
43 be treated as an amendment to the Special Exception and require

1 Planning and Zoning Commission review and Board of Zoning
2 Appeals approval.
3

4 21. Office (For Offices located within Residential Zones)
5

- 6 a. Site Plans for all office uses located within residential zones
7 shall be reviewed and approved by the Planning and Zoning
8 Commission, regardless of the size of the building. Site Plan
9 review and approval shall be a condition of special exception
10 approval.
11
12 b. Parking lots, utility facilities or service elements and signs shall
13 be located and/or landscaped so as to have minimal impact on
14 surrounding residences.
15
16 c. Building height, mass, and architecture shall be of a kind and
17 quality that is consistent with the character of a residential
18 neighborhood.
19
20 d. Site lighting shall not cause a nuisance for neighboring
21 properties and shall be of an intensity and design that is
22 consistent with the character of a residential neighborhood.
23

24 22. Office Parks
25

- 26 a. Office Parks shall be located on a site that is at least one (1) acre
27 in size.
28
29 b. The lot on which the Office Park is located must have a
30 minimum frontage of one-hundred (100) feet on a public street.
31
32 c. The lot on which the Office Park is located must have a depth
33 of at least one-hundred (100) feet.
34
35 d. The project shall have a unified arrangement of buildings,
36 service areas, parking, and landscaped areas.
37
38 e. Materials, massing, and facade design for the project shall be
39 harmonious with the character of the neighborhood.
40
41 f. The internal circulation system shall be designed to minimize
42 through traffic and traffic conflicts within the project.
43

1 g. Safe pedestrian movement shall be required.

2
3 h. Landscaping shall be provided in accordance with Section 28 –
4 1014 of this Ordinance.

5
6 23. Outdoor Recreation Area

7
8 a. Outdoor Recreation Areas shall have a minimum lot size of five
9 (5) acres.

10
11 24. Residential Use in a Commercial Building

12
13 a. Residential uses are not permitted on the ground floor except as
14 specified below.

15
16 b. In the CG district, residential uses shall be limited in size to no
17 more than fifty percent (50%) percent of the gross floor area of
18 the principal building.

19
20 c. In the CBD district, residential uses shall be permitted on any
21 non-ground floor level. There shall be no density limitation as
22 long as the project retains ground-floor commercial activity. If
23 the ground floor commercial activity is abandoned, it may only
24 be replaced with residential uses if the density standards of the
25 CBD district can be met for the building as a whole. If as a result
26 of any such revision the density is such that a PUD is necessary
27 (i.e. between nine (9) and thirty (30) du/ac), the application
28 process for PUD projects must be followed.

29
30 25. Retail Thrift or Outlet Store Operated by a Non-Profit Organization

31
32 a. The business shall be operated by a legitimate non-profit
33 organization, with legal IRS certification as such.

34
35 b. There shall be no open storage nor shall any products be
36 displayed in open areas. Any outside storage areas shall be
37 adequately screened and landscaped in accordance with the
38 provisions of Section 28 – 1014 of this Ordinance.

39
40 c. Adequate loading/unloading areas shall be provided and, if
41 applicable, screened appropriately, in accordance with Section
42 28 –1014 of this Ordinance.

1 26. Shopping Centers – Campus Style

- 2
- 3 a. Shopping centers shall meet all of the supplemental standards
- 4 prescribed herein for Major retail uses in addition to the
- 5 standards prescribed below.
- 6
- 7 b. Where shopping centers contain individual buildings of less
- 8 than twenty-five thousand (25,000) square feet of gross floor
- 9 area, with multiple businesses with separate, exterior customer
- 10 entrances:
- 11
- 12
- 13 i. The street level façade of such stores shall be transparent
- 14 between the height of three feet and eight feet above the
- 15 walkway grade for no less than sixty percent (60%) of
- 16 the horizontal length of the building façade.
- 17
- 18 ii. Windows shall be recessed and should include visually
- 19 prominent sills, shutters, or other such forms of framing.
- 20
- 21 c. The applicant or developer of a shopping center shall submit a
- 22 General Signage Plan as part of the sketch PUD plan. Signage
- 23 for shopping centers shall be consistent throughout the center
- 24 and shall be designed as part of the architectural design of the
- 25 building(s). Directional and information signs shall be
- 26 adequately provided and design coordinated.
- 27
- 28 d. A traffic study shall be provided by the developer. Traffic
- 29 associated with the shopping center shall not diminish the
- 30 quality or efficiency of the transportation system of the
- 31 surrounding area. Vehicular access shall be by means of a major
- 32 or minor collector.
- 33
- 34 e. Any use that is permitted within the zone in which the shopping
- 35 center is proposed shall be permitted to locate within said
- 36 shopping center without the need for further action by the
- 37 Planning and Zoning Commission or the Board of Zoning
- 38 Appeals. Special Exception uses proposed with the initial
- 39 submission shall require Planning and Zoning Commission
- 40 review and approval in order to locate within an approved
- 41 shopping center. Special Exception uses proposed after the
- 42 shopping center is approved and which represent merely a
- 43 substitution of one Special Exception use for another, shall

1 require approval by the Easton Board of Zoning Appeals (as a
2 Special Exception). Special Exception uses which replace
3 outright permitted uses or which represent an expansion of the
4 shopping center shall require an amendment to the PUD.
5 Prohibited uses shall not be permitted to locate within the
6 shopping center.
7

8 27. Shopping Centers – Strip 9

- 10 a. The intent of these provisions is to encourage the expansion of
11 the traditional Central-Business District and the conversion of
12 existing strip shopping centers to a more urban, neo-traditional
13 style of development.
14
15 b. Strip shopping centers are only permitted in the CR zoning
16 district or via the PUD process as a redevelopment of an existing
17 shopping center.
18
19 c. The nearest point of any principal structure shall be setback *no*
20 *more than* 15 feet from the property line.
21
22 d. The aesthetic impact of off-street parking shall be minimized by
23 locating such parking in accordance with the following priority
24 schedule:
25
26 i. Either behind the building or in an interior courtyard;
27
28 ii. In side yards;
29
30 iii. In the least prominent front yard on multiple frontage
31 lots only.
32
33 e. Bus Shelters
34

35 A bus shelter (or shelters) shall be provided to afford bus riders the
36 opportunity to wait for their bus in a structure that protects them from
37 inclement weather. The location of such shelter(s) shall be shown on
38 the site plan at the sketch plan level.
39

40 28. Winery 41

- 42 a. A winery shall comply with all regulations of the Alcoholic
43 Beverages Article of the Maryland Annotated Code, and the

1 Talbot County Alcoholic Beverages Regulations, including but
2 not limited to any licensing provisions.
3

4 b. Wholesale and retail sales of wine, grape, or fruit products
5 produced on the premises are allowed. Retail sales of
6 merchandise or items other than wine is allowed within a tasting
7 room or a gift shop, and must be directly related to the winery
8 and limited to items like souvenirs, clothes bearing the winery
9 logo, or other wine-related items.
10

11 c. Areas designated for wine tasting (tasting rooms) are permitted
12 but shall not exceed fifty percent (50%) of the total gross floor
13 area of the principal building used for processing wine or two
14 thousand five hundred (2,500) square feet, whichever is less.
15

16 d. Snack foods or prepackaged foods like sandwiches, soups, or
17 salads that are consumed on the premises are allowed. A
18 commercial restaurant may also be permitted in association with
19 the winery in the CG or CL Zoning Districts.
20

21 e. Promotional or special events, such as, but not limited to, wine
22 festivals, publicly advertised functions, conferences, workshops,
23 fund-raising or charitable functions, weddings, receptions,
24 social events or cultural exhibits where the number of persons in
25 attendance at any given time exceeds two hundred (200) persons
26 shall be permitted but restricted to no more than eight such
27 events per calendar year. Smaller less attended functions, such
28 as, but not limited to, wine tastings, private parties, winery tours,
29 meetings or picnics are permitted without limitation on the
30 number of events.
31

32 f. Off-street parking shall be provided in accordance with the
33 standards of Section 28 – 1001 of this Ordinance. The parking
34 requirement shall be calculated by assigning the applicable
35 standard to the corresponding area of the operation (i.e. apply
36 the restaurant standard to the area used as a restaurant, apply the
37 retail standard to any gift shop, apply the manufacturing
38 standard to the portion used for processing, etc.). Temporary
39 Area(s) for overflow parking for special events shall be
40 indicated on the site plan.
41

42 g. Live Entertainment shall be permitted at a winery. When
43 applying for a winery, the applicant shall specify the type of

entertainment and days of the week and hours of the day in which entertainment is to be performed. Outdoor entertainment shall be non-amplified or located a minimum of 500 feet from any property line.

29. Fitness Centers/ Sports Training Facilities/ Health Spa/ Figure Salons

- a. In the BC district, fitness centers/sports training facilities/health spa/figure salon must consist of contiguous interior space, under single ownership or management, of at least ten thousand (10,000) square feet.

28 – 1007.3 INDUSTRIAL USES

A. Specific industrial uses shall be subject to the following supplemental standards:

1. Agriculture, controlled-environment

- a. In addition to common agricultural activities, agriculture, controlled- environment may also include elements of manufacturing, processing, packaging, storage, distribution, etc.
- b. Retail sales of agricultural products grown and/or processed on-site shall be permitted provided they are of a scale that is clearly secondary and incidental to the primary agricultural-based use of the property.
- c. Applicant shall demonstrate and maintain compliance with any State and/or Federal Standards or Rules regulating the particular good or product being grown or processed on-site.

2. Climate-Controlled Self-Storage

- a. Door openings for any rental unit shall face the interior of the site unless impracticable. This shall be mandatory where the abutting property is residentially zoned.
- b. Accommodations for resident managers is permitted as an accessory component of this use.
- c. The roof shape and materials shall be compatible with the

1 design and materials of neighboring buildings.

2
3 d. Mini-warehouses shall be limited to storage only. Auctions,
4 sales, and servicing of motor vehicles, boats, trailers, lawn
5 mowers, appliances, etc..., shall be prohibited.

6
7 e. Internal driveway aisles shall be a minimum width of thirty (30)
8 feet. A driveway aisle where access to storage units is only on
9 one side of the aisle may be reduced to twenty (20) feet. All
10 internal drives and parking areas shall be surfaced with asphalt,
11 concrete, or other hard surfaced, dustless material and so
12 constructed as to provide adequate drainage both on-site and off-
13 site.

14
15 f. All outdoor lighting shall be shielded to direct light and glare
16 only onto the mini-warehouse facility and may be of sufficient
17 intensity to discourage vandalism and theft. Said lighting and
18 glare shall be deflected, shaded, and focused away from all
19 adjoining property.

20
21 g. No outdoor storage shall be permitted.

22
23 h. No portion of a mini-warehouse facility shall be located within
24 one hundred feet of the right-of-way of any "major road" as
25 indicated by Section 28 – 1009.

26
27 i. All multi-story buildings shall have windows or architectural
28 treatments that appear as windows.

29
30 j. The structures should be located perpendicular to the road.

31
32 k. Use of corrugated metal on the front facades is unacceptable.
33 Use of textured block, brick, wood, or stucco is preferred though
34 flat metal may be acceptable. Colors should be muted and
35 complementary with other colors used on adjacent buildings.

36
37
38 3. Industrial Parks

39
40 a. Industrial Parks shall be located on a site that is at least one (1)
41 acre in size.

42
43 b. The lot on which the Industrial Park is located must have a

1 minimum frontage of one-hundred (100) feet on a public street.

2
3 c. The lot on which the Industrial Park is located must have a depth
4 of at least one-hundred (100) feet.

5
6 d. The project shall have a unified arrangement of buildings,
7 service areas, parking, and landscaped areas.

8
9 e. Materials, massing, and facade design for the project shall be
10 harmonious with the character of the neighborhood.

11
12 f. The internal circulation system shall be designed to minimize
13 through traffic and traffic conflicts within the project.

14
15 g. The vehicular plan shall provide for safe pedestrian movement.

16
17 h. The applicant shall design and site buildings to screen from
18 public view unsightly site elements such as shipping and loading
19 areas, equipment storage areas, dumpsters, etc.

20
21 i. All operations (except for permitted outdoor storage) shall be
22 located in a wholly enclosed building.

23
24 j. The release, disposal, or storage of waste materials shall not be
25 visible from off-site. All trash and refuse shall be stored in self-
26 enclosed storage areas.

27
28 k. There shall be no outside storage of the finished product. Bulk
29 storage of the finished product in a wholly enclosed building
30 shall be considered an accessory use.

31
32 l. An impact statement shall be submitted with the site plan which
33 explains:

34
35 1. The proposed architectural design (graphic or narrative)
36 of all buildings and structures.

37
38 2. The proposed hours of operation.

39
40 3. The provisions to be made for control of noxious and
41 offensive odors.

42
43 4. The air pollution, water quality, and noise control

measures to be taken.

5. The type and amount of traffic expected to be generated.

m. Landscaping shall be provided in accordance with Section 28 – 1014 of this Ordinance.

4. Industry, Heavy

a. Applications for a heavy industrial use shall be accompanied by a statement or report describing the nature of the proposed use, any toxic, hazardous, explosive or otherwise potentially dangerous substances associated with the use, expected truck traffic, and any other information necessary to provide a fair and accurate assessment of the impacts of the proposed use on the subject property and the surrounding area.

b. Heavy industrial uses may contain potentially hazardous substances, but shall not pose any threat to the quality of the air, water, or land of the subject property or the surrounding area.

c. Heavy industrial uses shall be setback a minimum of two hundred (200) feet from any property line.

5. Industry, Heavy with no potentially hazardous or commonly recognized offensive conditions

a. Applications for this use shall be accompanied by a statement or report describing the nature of the proposed use, it's expected impact on its surrounding area, expected truck traffic, and any other information necessary to provide a fair and accurate assessment of the impacts of the proposed use on the subject property and the surrounding area.

b. Heavy industrial uses shall be setback a minimum of two hundred (200) feet from any property line.

6. Industry, Light

a. Applications for this use shall be accompanied by a statement or report describing the nature of the proposed use, it's expected impact on its surrounding area, expected truck traffic, and any other information necessary to provide a fair and accurate

assessment of the impacts of the proposed use on the subject property and the surrounding area.

7. Medical Cannabis Growing Facility

- a. A medical cannabis growing facility shall be licensed and operate in accordance with State of Maryland regulations for such use pursuant to COMAR 10.62.01 to 10.62.35.

8. Medical Cannabis Processing Facility

- a. A medical cannabis processing facility shall be licensed and operate in accordance with State of Maryland regulations for such use pursuant to COMAR 10.62.01 to 10.62.35.

9. Mini-Warehouses

- a. Door openings for any rental unit shall face the interior of the site or screened from view from adjacent properties with a combination of fencing and landscaping unless impracticable. This shall be mandatory where the abutting property is residentially zoned.
- b. Accommodations for resident managers is permitted as an accessory component of this use.
- c. The roof shape and materials shall be compatible with the design and materials of neighboring buildings.
- d. Mini-warehouses shall be limited to storage only. Auctions, sales, and servicing of motor vehicles, boats, trailers, lawn mowers, appliances, etc..., shall be prohibited.
- e. Internal driveway aisles shall be a minimum width of thirty (30) feet. A driveway aisle where access to storage units is only on one side of the aisle may be reduced to twenty (20) feet. All internal drives and parking areas shall be surfaced with asphalt, concrete, or other hard surfaced, dustless material and constructed to provide adequate drainage both on-site and off-site.

- 1 f. All outdoor lighting shall be shielded to direct light and glare
2 only onto the mini-warehouse facility and may be of sufficient
3 intensity to discourage vandalism and theft. Said lighting and
4 glare shall be deflected, shaded, and focused away from all
5 adjoining property.
6
7 g. No open storage shall be permitted.
8
9 h. No portion of a mini-warehouse facility shall be located within
10 three hundred (300) feet of the right-of-way of any “major road”
11 as indicated by Section 28 – 1009.
12
13 i. All multi-story buildings shall have windows or architectural
14 treatments that appear as windows.
15
16 j. The structures should be located perpendicular to the road,
17 unless the Planning and Zoning Commission determines that the
18 lot shape or configuration renders this standard impracticable to
19 achieve.
20
21 k. Colors should be muted and complementary with other colors
22 used on adjacent buildings.
23

24 **28 – 1007.4 MISCELLANEOUS USES**

25 **A. Specific Miscellaneous Uses Shall be Subject to the Following Supplemental** 26 **Standards:**

27 **1. Carnivals/Circuses/Public Events**

- 28
29
30
31 a. Those Carnivals/Circuses/Public Events of a scale such that
32 unusual congestion on the streets or traffic patterns can be
33 expected shall require a Public Assembly Permit approved by
34 the Easton Town Council. Such uses which receive Town
35 Council approval of a Public Assembly Permit shall not require
36 Temporary Use approval by the Town Planner or Planning and
37 Zoning Commission.
38

39 **2. Crematorium**

- 40
41 a. Applicant shall obtain and comply with all requisite
42 State/Federal permits or rules and regulations.

1
2
3
4 3. Donation Bins
5

6 a. No person or other legal entity shall place or maintain any
7 Donation Bin on the premises open to the public except when
8 issued by the Building Inspection Division in accordance with
9 this section.

10
11 b. All Donation Bins shall be appropriately located so as not to
12 interfere with sight triangles, on-site circulation, required
13 setbacks, landscaping, parking and any other requirements that
14 have been imposed as part of the site plan approval for the
15 property, and shall be placed on a concrete surface.

16
17 c. The Donation Bin shall be of a type that is enclosed by use of a
18 receiving door and locked so that the contents of the bin may not
19 be accessed by anyone other than those responsible for the
20 retrieval of the contents.

21
22 d. The Donation Bin shall not cover a ground surface area in
23 excess of thirty-one (31) square feet, nor be more than six (6)
24 feet in height.

25
26 e. Donation Bins must be maintained and kept in good repair. The
27 Donation Bins area shall be maintained in a safe, orderly
28 condition. Donation bins shall have no rust, peeling paint or
29 graffiti. The areas around the Donation Bin must be kept clean
30 and free of garbage and debris on the premises where the
31 Donation Bin is located. Each Donation Bin shall be regularly
32 emptied of its contents so that it does not overflow.

33
34 f. There shall be no more than two Donation Bins per property.

35
36 g. A permit for a Donation Bin shall be required. The permit shall
37 be issued by the Building Inspection Division, but can only be
38 granted in compliance with the following:

39
40 i. The Donation Bin is for use by a duly registered
41 organization in good standing in the State of Maryland.
42 The applicant shall submit a statement or declaration of
43 whether the organization is “for profit” or “not for

profit". If the organization is "not for profit" , it must submit proof of the organization's 501(c)(3) designation;

- ii. Each duly registered nonprofit organization shall be permitted to have a maximum of eight (8) Donation Bins within the Town of Easton;
- iii. The type, size and location of the Donation Bin comply with this subsection;
- iv. The applicant submits a letter of authority/permission from the property owners upon which the Donation Bin is proposed to be located;
- v. The name, address and telephone number of the nonprofit organization is displayed on each Donation Bin.
- vi. The general use of any donations or funds raised from the sale of the donations are displayed on each Donation Bin. If the organization is "for profit" the donation bin shall be labeled "For Profit" and "Not Tax Deductible"; and
- vii. All information required to be displayed on the Donation Bin shall be in lettering not smaller than three (3) inches tall and must be in contrasting color with the background.

4. Mobile Food Uses

- a. These regulations shall apply only to mobile food uses located on private property. Mobile food uses operated on public property (e.g. streets or sidewalks) are regulated elsewhere in Chapter 19 of the Easton Town Code.
- b. Mobile food uses shall comply with all applicable health codes and operators shall provide proof of health department approval upon application for a Temporary Use.
- c. Mobile food uses shall operate in association with another approved Temporary Use (e.g. a Special Event, Carnival, etc...). An exception to this standard shall be mobile food uses that are

1 primarily intended to serve work crews at active construction
2 sites.

- 3
4 d. Mobile food uses shall not remain at any one location for more
5 than two (2) days more than the duration of the Special Event
6 (or other permitted Temporary Use) with which it is associated.
7 The two (2) additional days are provided to allow for set-up and
8 take-down of the mobile food unit, not for additional days of
9 operation.

10
11 5. Portable On-Demand Storage (PODS)

- 12
13 a. May not remain on-site for more than thirty (30) days.
14
15 b. Shall meet applicable setbacks.
16
17 c. The thirty (30) day time limit may be extended for an additional
18 thirty (30) day period by the Town Planner, upon request of the
19 applicant, for good cause. PODS utilized as part of a longer term
20 temporary use or construction project may be considered and
21 approved by the Planning and Zoning Commission in the course
22 of the necessary approvals for said project.

23
24 6. Sale of Merchandise in Parking Lots from Automobiles, Temporary
25 Structures, etc.

- 26
27 a. Temporary sales of merchandise from automobiles, temporary
28 structures, etc., shall be allowed subject to a Temporary Use
29 permit.
30
31 b. Such sales shall be conducted from an off-street parking area or
32 a storage/display area.
33
34 c. No vehicle or structure used for such sales shall be located
35 within any required parking spaces and shall not block any drive
36 aisles.
37
38 d. Such sales may not occur on more than ten (10) days in a
39 calendar year and no more than two days in succession.

40
41 7. Seasonal or Long –Term Temporary Storage

- 42
43 a. Temporary storage of merchandise may be permitted in the

1 Zoning Districts in which it is allowed subject to the following
2 standards:

- 3
- 4 i. Applicant shall submit a site plan to the Town Planner
5 depicting the proposed location of the seasonal or long-
6 term storage of merchandise.
- 7
- 8 ii. Such seasonal/long-term storage area may be proposed
9 anywhere on site, but may not be located in a Fire Lane,
10 required parking space, required Landscaping Area,
11 Stormwater Management Area (unless the feature is
12 subsurface and the proposed storage will not impact its
13 stormwater management performance), or any area
14 encumbered by an easement, covenant or similar
15 restriction (unless the holder of such instrument grants
16 permission for the temporary storage).
- 17
- 18 iii. The seasonal/long-term storage area may be permitted
19 for a maximum of two (2) occasions per year, each
20 lasting a maximum of ninety (90) days (which may be
21 consecutive).
- 22
- 23 iv. All seasonal/long-term storage areas shall be screened
24 using a combination of native plant materials and fencing
25 to effectively block the view of the material contained in
26 said area from anywhere off of the property. This
27 requirement may also be partially satisfied by utilizing
28 existing permanent structures onsite.
- 29
- 30 v. Merchandise within the seasonal/long-term storage area
31 may not be stacked higher than the lesser of six feet (6')
32 or the height of the adjacent screening material.
- 33
- 34 vi. Any seasonal/long-term storage area proposed in a
35 parking lot shall require initial approval by the Easton
36 Planning and Zoning Commission who may approve
37 such use for multiple occasions at their discretion.
38 Seasonal/Long-term storage areas proposed in locations
39 not within a parking lot may be reviewed and approved
40 by the Town Planner. The Town Planner shall reserve
41 the right to refer any such request to the Planning and
42 Zoning Commission for approval.
- 43

- vii. Any storage that exceeds ninety (90) days shall be considered semi-permanent storage.

8. Semi-permanent Storage

- a. Semi-permanent storage shall require Planning Commission Site Plan approval, regardless of the size of the proposed storage area.
- b. Requests for semi-permanent storage shall be accompanied by an evaluation of the adequacy of the parking, including the amount of parking needed for the principle, circulation patterns resulting from the establishment of the semi-permanent storage, location of loading/unloading areas, etc.
- c. Semi-permanent storage is intended to accommodate storage of materials occurring regularly and/or on a longer-term basis than can be accommodated by the provisions for seasonal/long-term temporary storage. As such, the area designated for semi-permanent storage shall be architecturally compatible with the principle structure and/or appropriately screened/landscaped as determined by the Planning Commission.
- d. Semi-permanent storage areas shall be limited to storage of excess inventory, supplies as may be needed during building renovations, etc. Direct retail sales from such areas shall be prohibited.

9. Small Cell Facility

- a. Small Cell Facilities may be installed on an existing building or rooftop of such building provided it is integrated into the design and color of the building. Facilities mounted on buildings or rooftops shall be oriented to limit visibility from the street without compromising the functionality of the installation, including screening, stealthing, or camouflaging where appropriate. For building and rooftop installations, the equipment cabinet may be mounted inside the building, on the rooftop, on the building, or on the ground provided it is either screened from view or integrated into the design and color of the building. Installations shall not be installed on single family attached, single family detached, two family, duplex, middle housing types, multi-family or semi-detached homes, nor installed any closer than fifty (50) feet from such structures.

- 1 b. Small Cell Facilities may be installed on freestanding light poles or other
2 poles on private property. Any installation within a public road, public
3 right-of-way or public utility easement shall be subject to the provisions set
4 forth in Article IV of Chapter 24 of the Code of the Town of Easton. For
5 any proposed installation on an existing pole, the applicant shall provide
6 evidence that the pole has adequate structural capacity to carry the
7 additional loading from the proposed installation. If located on a new or
8 existing pole, such pole may not exceed a height of: fifty (50) feet in an
9 industrial zoning district, twenty (20) feet in a residential zoning district,
10 and thirty (30) feet in any commercial or any other zoning district.
- 11
- 12 c. In any lot in a residential zoning district, a pole mounted installation shall
13 to the fullest extent possible be setback from view from adjoining properties
14 and the public right-of-way and shall only be allowed rearward of the
15 principal building on such lot and shall not be located in any required side
16 yards.
- 17
- 18 d. In residential areas, no installation may be located on public or private
19 property within four hundred (400) feet radius of another installation
20 including any such installation located in a public right-of-way, except in
21 the case of a cluster installation that does not result in a substantial increase
22 in size. In no case may more than four antennas be clustered on a single
23 pole in a residential area or in a historic district.
- 24
- 25 e. Any pole over thirty (30) feet in height must allow for collocation by future
26 or concurrent applications for the installation of wireless
27 telecommunications facilities. The applicant must demonstrate that the
28 design of the pole and antenna support and the placement of ground-
29 mounted facilities will accommodate one or more other wireless
30 telecommunications facilities. The owner of the pole and antenna support
31 must certify that the antenna support is available for use by another future
32 or concurrent applicant for the installation of wireless telecommunication
33 facilities on a commercially reasonable and nondiscriminatory basis. The
34 equipment cabinet for such installations may be mounted on the pole or on
35 the ground, and if located on the ground in any residential zoning district
36 and in the Central Business Commercial District (CBD) and taller than four
37 (4) feet (including any support structure), it shall be faced with a building
38 material compatible with the structures in its surroundings and it shall be
39 surrounded by native vegetative landscaping or other landscaping treatment
40 providing screening of at least three (3) feet in height. The Town Planner
41 shall determine compliance with the screening requirements of this
42 paragraph.
- 43

- 1 f. Notwithstanding any provision of this Chapter 28 of the Code to the
2 contrary, the Town Planner shall determine the required setback for any
3 installation on a case by case basis upon a finding that the setback required
4 is that which will achieve the maximum in safety and aesthetics given its
5 location and potential impact to surrounding properties or the district in
6 general.
7
- 8 g. No lights or other illumination devices other than security lights are
9 permitted on any Small Cell Facility, unless required by the Federal
10 Communications Commission ("FCC"), the Federal Aviation
11 Administration ("FAA") or the Town. If security lighting is required, it
12 shall not be permitted to be installed any higher than eighteen (18) feet from
13 grade, unless required by the FCC, FAA, or the Town. Any security lighting
14 must be downshielded to prevent light pollution on adjoining properties.
15 Notwithstanding anything in this Section to the contrary, a Small Cell
16 Facility may be installed on an existing or proposed light pole or other type
17 of pole or structure that incorporates lighting for a purpose other than that
18 related to the Small Cell Facility.
19
- 20 h. There shall be no advertising or other signage on any portion of a Small Cell
21 Facility except that each installation must be identified by a permanently
22 installed plaque or marker no larger than four by six inches (4" by 6") which
23 clearly states the mailing address, email address, and twenty-four hour local
24 or toll-free telephone number for reaching a live contact person for both the
25 permittee and the agent responsible for the maintenance of the facility.
26 Emergency contact information must be included for immediate response,
27 and such information must be updated in the event of a change in permittee,
28 the agent responsible for maintenance of the facility, or both. The owner of
29 the Small Cell Facility shall remove or paint over unnecessary equipment
30 manufacturer decals and shall utilize the smallest and lowest visibility
31 radio-frequency (RF) warning sticker required by government or electric
32 utility regulations, and the sticker should be placed as close to the antenna
33 as possible.
34
- 35 i. Every Small Cell Facility (including all associated appurtenances) must be
36 removed at the cost of the owner of the facility when the
37 telecommunications facility is no longer in use by any telecommunications
38 carrier. The owner shall have ninety (90) days to remove the Small Cell
39 Facility following the date on which the owner's use of the Small cell
40 Facility ceases. The owner shall provide financial surety in a form and
41 amount acceptable to the Town to secure payment of one hundred twenty-
42 five percent (125%) of the cost of removal of the Small Cell Facility and all
43 associated appurtenances if the use is discontinued.

- 1
2 j. Small Cell Facilities shall be permitted to be located within a historic
3 district, but shall be subject to the provisions of Article VI of this chapter.
4 Small Cell Facilities mounted on existing or new light poles and other poles
5 shall be considered “construction” of a “structure” for purposes of
6 application of that Article; and the mounting of Small Cell Facilities on
7 surfaces, facades, or rooftops of existing “structures,” which for purposes
8 of this Section shall include existing buildings, light poles, and other such
9 locations as are deemed “structures” in the standard application of Article
10 VI, shall be considered an “alteration” to such “structure.” Any new light
11 pole erected for purposes of mounting a Small Cell Facility shall be
12 designed consistent with other existing light poles within the surrounding
13 area; other types of new poles shall not be permitted to be installed for
14 purposes of mounting a Small Cell Facility.
15
16 k. Small Cell Facilities shall not interfere with public safety
17 telecommunications. Permittee agrees that its facilities will not cause
18 interference that is measurable in accordance with industry standards to
19 Town’s equipment.
20
21 l. Use of backup power sources. The use of diesel generator or other backup
22 power sources shall be limited to actual power-outage events and any
23 operation necessary for testing and maintenance. Permanent or continuous
24 use of backup power sources is prohibited.
25
26 m. In addition to any other requirements for a zoning permit, building permit,
27 and/or use and occupancy permit for a Small Cell Facility, as part of the
28 application, the applicant shall provide the following:
29
30 i. A report from a qualified and licensed professional engineer that
31 describes the Small Cell Facility design, including cross sections
32 and elevations; documents the height above grade for the Small Cell
33 Facility and potential mounting positions for collocated antenna (if
34 any) and the minimum separation distances between antenna;
35 describes the location of the Small Cell Facility, including the
36 number of additional antenna that can be accommodated (if any);
37 documents what steps the applicant will take to avoid interference
38 with established public safety telecommunications; includes an
39 engineer's stamp and registration number; includes architectural
40 renderings of the Small Cell Facility illustrating what it will look
41 like at the proposed location and from various vantage points, as
42 may be required by the Town Planner.
43

- 1 ii. The applicant shall specify whether the application is subject to any
2 Federal Communications Commission applications requirements or
3 federal or state law, and if so, identify the law and the applicable
4 requirements.
5
6 iii. The applicant shall provide proof that it is a licensed provider and
7 will comply with all federal, state, and town laws and regulations,
8 including those relative to wireless service.
9
10 iv. A master report plan of applicant's current proposed communication
11 network including an illustrative wireless communications map
12 detailing existing and proposed wireless coverage, antenna sites and
13 collocation sites.
14
15 v. The application shall include the number of potential collocation
16 sites on the proposed Small Cell Facility.
17
18 vi. The applicant shall provide a safety report demonstrating that the
19 structure can safely accept installation of the antennas and additional
20 communication facilities.
21
22 vii. If the applicant is not the owner of the property, the applicant shall
23 provide proof of permission from the owner.
24
25 viii. The applicant shall provide any other information reasonably required by
26 the Town Planner to evaluate the request.
27

28 10. Special Office Uses 29

- 30 a. No structure shall be used as a Special Office Use unless it has
31 been approved for such use as a Special Exception by the Board
32 of Zoning Appeals. In addition to the procedures for considering
33 an application for a special exception as set forth in Section 28
34 – 1303.5.B of this Ordinance, the Board of Appeals shall make
35 those considerations required by this subsection.
36
37 b. No structure shall be used as a Special Office Use unless it is an
38 existing structure located within an Historic District or is one of
39 the structures identified by the Easton Historic District
40 Commission as being of architectural or historic significance in
41 the Town of Easton.
42
43 c. Any structure used as a Special Office Use must meet all

1 applicable fire, safety and health codes and regulations.

2
3 d. Each Special Office Use must provide one (1) off-street parking
4 space for each employee in addition to one (1) off-street
5 customer space per office. Spaces are to be located on the
6 property in such a manner as to minimize any adverse impact
7 upon the appearance of the property and to minimize the
8 destruction of shrubs and trees readily visible from a public way.
9 In granting a Special Exception for a Special Office Use, the
10 Board of Appeals shall specify appropriate buffers to separate
11 parking areas from adjoining residential properties.
12

13 e. Any application for Special Office Use must include a site plan
14 prepared in accordance with the standards set forth in Section 28
15 – 301 of this Ordinance. Any application for a Special Office
16 Use shall be reviewed by both the Planning and Zoning
17 Commission and the Easton Historic District Commission. In
18 reviewing such applications, the Easton Historic District
19 Commission will act in an advisory capacity rather than in its
20 administrative capacity as defined elsewhere in this Section.
21 The Easton Historic District Commission can conduct its
22 investigation of the application and shall submit its written
23 findings and recommendations to the Board of Appeals before
24 the scheduled hearing on the special exception application. The
25 Easton Historic District Commission shall also serve a copy of
26 its findings and recommendations to the Applicant. The Board
27 of Appeals shall consider the findings and recommendations
28 made by the Easton Historic District Commission, but it shall
29 not be bound by such findings and recommendations. The grant
30 of powers to the Easton Historic District Commission to review
31 the applications for special exception for a Special Office Use
32 stated herein shall in no way limit the powers conferred upon the
33 Easton Historic District Commission to approve of changes to,
34 and otherwise regulate property within, the Historic District as
35 set forth herein.
36

37 11. Small Wind Energy Turbine

38
39 a. Height shall be limited to 150 feet measured to the tip of the
40 turbine when it reaches its highest elevation.
41

42 b. The base of the wind turbine shall not be closer to surrounding
43 property lines than the height of the wind turbine unless a

1 Maryland Registered Professional Engineer certifies the fall
2 zone of the wind turbine and appurtenances will be within the
3 setback area proposed. In addition, no wind turbine shall be
4 located closer than 1.5 times the height of the wind turbine to an
5 inhabited structure on adjacent property. Relief from this
6 section may be granted if the applicant can secure a permanent
7 easement from the adjoining property owner(s) providing for a
8 fall zone.
9

10 c. Small wind energy systems must comply with applicable FAA
11 regulations, including any necessary approvals for installations
12 close to airports. Evidence of compliance or non-applicability
13 shall be submitted with the application.
14

15 d. No small wind energy system shall be installed until evidence
16 has been given that the appropriate utility company has been
17 informed of the customer's intent to install an interconnected
18 customer-owned generator. Off-grid systems shall be exempt
19 from this requirement.
20

21 e. Small wind energy towers shall maintain a galvanized finish or
22 be painted to conform with the tower color to the surrounding
23 environment to reduce visual obtrusiveness.
24

25 f. Any wind energy system that is not functional shall be repaired
26 by the owner or removed within three (3) months of ceasing to
27 operate or upon notice from the Town.
28

29 12. Solar Panels, Roof Mounted

30 a. The solar panel collection cells must be located on a roof and
31 shall be screened insofar as possible.
32

33 b. The solar panels shall be used for on-site energy consumption
34 only.
35

36 c. The solar panels shall be used in accordance with the approved
37 electric company tariff in which they are served.
38
39

40 13. Solar Panels, Array

41 a. Shall be screened from adjoining residentially zoned districts
42 and public rights-of-way. Screening shall be determined by the
43

Board of Zoning Appeals.

- b. The solar panels shall be used in accordance with the approved electric company tariff in which they are served.

14. Towers

- a. It must be demonstrated that the location of a tower is required for a specific antenna or antennas. No tower shall be constructed for speculative reasons.
- b. It must be demonstrated that an attempt has been made to locate the antenna on an existing tower or another suitable structure.
- c. Towers shall be located a minimum distance from any property line equal to the height of the tower plus ten (10) feet.
- d. It must be demonstrated that any tower is in compliance with all federal regulations (FAA, FCC) prior to approval of a tower.
- e. Towers shall be no taller than necessary to ensure the effective service for the relevant service area, but in no case shall the tower exceed two hundred (200) feet in height, and the tower shall be self-supporting.
- f. Towers should be designed to accommodate as many collocated antennas as feasible.
- g. Buffer screens as per the provisions of Section 1015, Landscaping and Buffering, shall be provided surrounding any tower structure and any accessory equipment building and such landscaping buffer shall include native evergreen species with a mature height of not less than the height of any accessory building and/or fencing.
- h. To the extent possible while maintaining the requisite functionality of the tower, towers shall be positioned on a site so as to minimize the visual impacts of the tower from all public streets. To accomplish this a tower should generally be buffered by buildings, landscaping and/or other site features. Towers shall also be designed to minimize adverse visual and environmental impact (e.g. paint, camouflage, screening, stealth technology, concealed towers, color, use of existing structures and natural landscape, etc.). All equipment shelters shall be maintained in neutral shades consistent with the natural landscape.
- i. No lights or other illumination devices other than security lights are permitted on any tower, unless required by the Federal Communications Commission

1 (“FCC”), the Federal Aviation Administration (“FAA”) or the Town. If
2 security lighting is required, it shall not be permitted to be installed any higher
3 than eighteen (18) feet from grade, unless required by the FCC, FAA, or the
4 Town. Any security lighting must be downshielded to prevent light pollution
5 on adjoining properties.
6

- 7 j. A tower owned by a governmental agency and located within the G/I District
8 shall not be subject to subsections (b), (c), or (e) above.
9
- 10 k. There shall be no advertising or other signage on any portion of a tower
11 except that each tower must be identified by a permanently installed plaque or
12 marker no larger than four by six inches (4” x 6”) which clearly states the
13 mailing address, email address, and twenty-four hour local or toll-free
14 telephone number for reaching a live contact person for both the permittee and
15 the agent responsible for the maintenance of the tower. Emergency contact
16 information must be included for immediate response. Such information must
17 be updated in the event of a change in permittee, the agent responsible for
18 maintenance of the tower, or both.
19
- 20 l. The tower shall be removed by owner and at owner’s sole cost and expense
21 when the tower is no longer used by any wireless communication carrier for
22 more than twelve (12) months. The owner shall provide financial surety in a
23 form and amount acceptable to the Town to secure payment of one hundred
24 twenty-five percent (125%) of the cost of removal of the tower, base, and
25 foundation to six (6) feet below ground level and accessory structures if the
26 tower’s use is discontinued for more than twelve (12) months.
27
- 28 m. Towers shall not interfere with public safety telecommunications. Any
29 application for site plan approval and/or a building permit for a tower shall be
30 accompanied by an intermodulation study which provides a technical
31 evaluation of all proposed transmissions and indicates all potential
32 interference problems. Prior to the introduction of any new service, the
33 owner/operator shall provide the Town at least 10 calendar days' written
34 notice to the Town Engineer in advance of such service and allow the Town to
35 monitor interference levels during the testing process.
36
- 37 n. Nothing in these regulations is intended to supersede applicable Federal or
38 State law. In the event that the regulations set forth in Section 1008.4A.
39 Conflict with such laws, the applicable State and/or Federal laws shall apply.
40
- 41 o. In addition to any other requirements for site plan approval, an application for
42 site plan approval for a tower shall include the following:
43

- 1 i. The applicant shall specify whether the application is subject to any
2 FCC application requirements or federal or state law, and if so,
3 identify the law and the applicable requirements.
4
5 ii. The applicant shall specify whether the application is subject to
6 FAA approvals, and if so, the applicant shall identify the law and
7 the applicable requirements (e.g. FAA Form 7460-1, Notice of
8 Proposed Construction or Alteration).
9
10 iii. The applicant shall provide proof that it is a licensed provider and
11 will comply with all federal, state, and town laws and regulations,
12 including those relative to wireless service.
13
14 iv. A master report plan of applicant's current proposed communication
15 network including an illustrative wireless communications map
16 detailing existing and proposed wireless coverage, antenna sites and
17 collocation sites.
18
19 v. The application shall include the number of potential collocation
20 sites on the proposed wireless communications tower.
21
22 vi. The applicant shall provide a safety report demonstrating that the
23 structure can safely accept installation of the antennas and additional
24 communication facilities.
25
26 vii. A report from a qualified and licensed professional engineer that
27 describes the tower design, including cross sections and elevations;
28 documents the height above grade for the tower and potential
29 mounting positions for collocated antennas (if any) and the
30 minimum separation distances between antenna; describes the
31 location of the tower, including the number of additional antennas
32 that can be accommodated (if any); documents what steps the
33 applicant will take to avoid interference with established public
34 safety telecommunications; includes an engineer's stamp and
35 registration number; includes architectural renderings of the tower
36 illustrating what it will look like at the proposed location and from
37 various vantage points, as may be required by the Town Planner.
38
39 viii. The applicant shall provide any other information reasonably
40 required by the Town Planner to evaluate the request.
41
42
43

15. Storage of boats, travel trailers, motorcycles, jet-skis or other similar
recreationally used vehicles

- a. Parking or storage may occur as accessory use to the primary residential use of the property and is only allowed on a lot with a habitable residence.
- b. No parking or storage may occur in the front yard. Temporary parking of an RV on a paved driveway in the front yard shall be allowed for up to two consecutive days for the purpose of loading, unloading or otherwise prepping and cleaning the RV, subject to a temporary parking permit which is attached thereto in plain sight, in the location designated by the director of development services. Temporary parking of an RV shall not encroach onto the public sidewalk nor encroach into the public right-of-way.
- c. Parking or storage is permitted in the rear or side yard behind the main building line.
- d. Parking and storage shall be paved with Portland cement concrete at least three and one-half inches thick. Proper care shall be taken to prevent gasoline, motor oils, or other hazardous fluids from leaking onto the ground, draining or runoff into storm drain or water course.
- e. Temporary On-Street Parking. Overnight temporary parking of an RV on public streets is allowed subject to applicable on-street parking regulations of the Town of Easton.
- f. Temporary Coverings. No temporary coverings such as tarps or cloth screens are permitted. Fitted covers are permitted and may be used as long as they are specifically designed for the RV, boat, camping trailer or utility trailer.
- g. The registered owner of any tagged vehicle, trailer, etc., stored on the property must either be the owner of the property or use the property as their primary residence. This subsection shall not apply to a single RV stored on the property as a result of visiting guest(s) for up to seventy-two hours.

SECTION 28 – 1008 VISIBILITY AT INTERSECTIONS

28 – 1008.1 PURPOSE

As an aid to the safe movement of vehicles at and near street intersections and in order to promote adequate protection of pedestrians, the following provisions shall apply to all corner lots. On all such lots, there shall be limitations on the height of fences, walls, gateways, ornamental structures, hedges, shrubbery and other fixtures, construction and plantings.

28 – 1008.2 STANDARDS

Such barriers to clear unobstructed visions at intersecting streets shall be limited to a height of not over three feet above the established elevation of the nearest curb, for a distance of forty (40) feet along both flowlines of curb, measured from the point of intersection of the projected flowline of curb of said intersecting flowlines. No natural plantings or construction shall be permitted at a height over three (3) feet within the isosceles triangle formed by connecting the ends of the respective forty (40) foot distances. The unobstructed view shall be maintained for all spaces between three (3) and ten (10) feet in height. When curb and gutter is not present, all measurements shall be from edge of pavement, or edge of gravel when pavement is not present.

Within the said triangle, and in cases where front yards are terraced, the ground elevation of such front yards shall not exceed three (3) feet above the established curb elevation at the said intersecting streets.

SECTION 28 – 1009 SETBACKS FROM MAJOR ROADS

In all districts there shall be minimum setbacks of forty (40) feet from the right-of-way line or property lines bordering the following major roads:

1. U.S. Route 50
2. Md. Route 322
3. Md. Route 333
4. Md. Route 33 (except that portion east of MD Route 322; i.e. Bay Street)
5. Md. Route 328
6. Md. Route 331

1 **SECTION 28 – 1010 MINIMUM REQUIREMENTS GOVERNING THE PROVISION**
2 **AND APPROVAL OF COMMON USE AREAS AND/OR FACILITIES**
3

4 **28 – 1010.1 PURPOSE**
5

6 It is the intent of this section to establish minimum standards and requirements which shall
7 constitute prerequisites for approval of all common use areas and/or facilities. These
8 provisions shall apply to all such proposed areas and facilities including but not limited to
9 cluster and multi-family development, shopping centers, office or business parks, and
10 industrial parks.
11

12 These provisions are designed to assure that all common use areas and/or facilities are
13 planned, constructed, managed, and maintained in a suitable manner. They are necessary
14 to assure that such areas become integral parts of various developments as proposed at the
15 time of approval.
16

17 **28 – 1010.2 REQUIREMENTS**
18

19 The following requirements governing the approval of common use areas and/or facilities
20 shall apply:
21

- 22 A. All such areas and/or facilities shall be planned as an integral part of all developments
23 and shall be so located as to permit accessibility to said areas by residents, users, or
24 occupants.
25
- 26 B. All such areas and/or facilities shall be reserved in perpetuity for residents, users, or
27 occupants of the proposed development or the general public.
28
- 29 C. All such areas and/or facilities shall be owned or controlled by the applicants at the
30 time of the submission. Evidence of such control, in the form of an appropriate legal
31 document, shall accompany said submission.
32
- 33 D. All such areas and/or facilities shall be controlled, beginning at a time determined by
34 the Planning and Zoning Commission by residents, users or occupants of the proposed
35 development or the general public. Evidence of said controls shall be submitted to the
36 Planning and Zoning Commission for their review.
37
- 38 E. Provisions for the continuing maintenance management and control, in the form of a
39 legal agreement such as deed restrictions, covenants, or by-laws, or agreement with the
40 Town of Easton, shall be provided the Planning and Zoning Commission.
41

- 1 F. Once approved, none of the requirements for common use areas and/or facilities may
2 be changed, without the review and approval of the Planning and Zoning Commission.
3 The Commission shall hold a Public Hearing before acting upon all such changes.
4

5 **SECTION 28 – 1011 TEMPORARY STRUCTURES**
6

7 Temporary buildings and structures including mobile homes, office trailers and storage
8 trailers incidental to construction work on the premises may be placed in all zones after a
9 permit has been issued. When such construction work is completed or abandoned, or in
10 six months, whichever comes first, such building or structures shall be removed unless the
11 zoning inspector shall grant an extension which in no event will allow the temporary
12 building or structure to remain on the premises past the time of completion of the
13 construction work on the premises. For residential projects a sales trailer is allowed with
14 a building permit, said trailer shall be removed upon issuance of occupancy permit for the
15 first unit.
16

17
18 **SECTION 28 – 1012 SPECIAL YARD REQUIREMENTS – CRITICAL AREA BUFFER**
19

20 The following special yard requirements shall apply within the Critical Area Overlay
21 District ("CAO"):
22

- 23 A. Except as provided for water dependent facilities in Article V, new
24 development activities, including structures, roads, parking areas, impervious
25 surfaces, and septic systems are not permitted in the Buffer.
26
27 B. Qualifying grandfathered lots in a designated Buffer Exemption Area will be
28 exempted from the full Buffer requirements but shall comply with the
29 requirements of the Buffer Exemption Area as described in the Town's Critical
30 Area Program.
31

32 **SECTION 28 – 1013 STANDARDS FOR PLACEMENT OF SATELLITE DISH**
33 **ANTENNAS**
34

35 The following special requirements shall apply to the placement of satellite dish antennas:
36

- 37 A. Satellite Dish Antennas of two (2) feet or less in diameter shall be permitted on
38 the roof of structures and should be located out of view from public rights-of-
39 way if possible.
40
41 B. Dishes up to ten (10) feet in diameter are permitted provided they are located
42 in a side or rear yard and meet applicable setback regulations.
43

1 C. In commercial or industrial districts, satellite dishes of eight (8) feet or less in
2 diameter, may be located on a roof upon review of the Planning and Zoning
3 Commission.
4

5 D. In the Historic District, all satellite dishes shall be placed on the rear of
6 structures, in rear-yard landscaping, or out of view from the primary public
7 Right-of-Way.
8

9 **SECTION 28 – 1014 LANDSCAPING AND BUFFERING**

10

11 All districts or uses requiring landscaping, buffering, and vegetation/forest protection shall
12 meet the appropriate provisions of this Section. The provisions of this Section are
13 considered minimum standards. The Town recognizes that due to the peculiarities of any
14 given site and development proposal, the inflexible application of these landscape
15 improvement standards may result in impractical or unnecessary site improvements that
16 contribute little value toward enhancing the appearance of development. Therefore, the
17 Town (through the Planning and Zoning Commission) may permit deviations from the
18 presumptive requirements of Section 28 – 1014 when the applicant can demonstrate that
19 the proposed land planning, site planning, architectural or landscape architectural design
20 solutions offer the appropriate “appearance” desired for development and growth in the
21 Town of Easton. For projects requiring overlay zoning designations, variances or special
22 exceptions, the Planning and Zoning Commission may require additional landscape
23 improvements.
24

25 **28 – 1014.1 PURPOSE**

26

27 A. Landscape, buffering, and vegetation/forest protection design shall be developed and
28 integrated with the site plan or subdivision design. It shall be conceived in a total pattern
29 across the site, integrating the various elements of site design, preserving and
30 enhancing the particular identity of the site, and creating a pleasing site character.
31

32 B. Required landscape improvements shall be dominated by native trees, but may include
33 all plant material types suitable and consistent with the native flora and fauna of the
34 region. Additional landscape improvements may also include other elements including
35 rocks, water, sculpture, art, walls, fences, paving materials and street furniture.
36

37 C. This Section applies to all sites and to both new development and
38 renovation/redevelopment of existing sites. When conflicting ordinances or regulations
39 apply, the stricter of the regulations shall take precedence.
40

41 D. Sites or development activities under the jurisdiction of the Town of Easton Forest
42 Conservation Ordinance must also meet the requirements of that Ordinance, subject to

possible overlapping credits outlined herein.

28 – 1014.2 LANDSCAPE PLAN(S)

- A. A “sketch” or “concept” landscape plan may be required during the site plan or subdivision review process. Refer to applicable Zoning Code sections for this requirement. At a minimum, these plans shall indicate existing site vegetation to be cleared and/or preserved, general location and type of proposed landscaping (ie., shade/canopy tree, evergreen tree, shrub/hedge, etc.) and preliminary tabular data addressing landscape improvement requirements. Applicants are encouraged, and the Planning and Zoning Commission may require, the submission of additional sketches, cross-sections, elevations or other graphic elements that help convey the design intent of landscape improvements.
- B. A “preliminary” (note: final plan in the Town of Easton equals an As-Built Plan) landscape improvement plan or street tree/bufferyard plan (hereinafter referred to collectively as landscape plans), prepared by a landscape architect registered in the State of Maryland, or other person determined by the Town Planner to be qualified, shall be submitted when required in the site plan or subdivision review process. At a minimum, the preliminary landscape plan shall include the following:
1. tabular data indicating landscape improvement requirements and bufferyard requirements
 2. existing vegetation and vegetative specimens to be preserved and protective measures proposed during construction and disturbance activities
 3. proposed landscape improvement locations
 4. planting specifications as to plant species, plant quantity, correct plant nomenclature, and installation size and spacing
 5. installation specifications and details if necessary
 6. planting schedule and phasing
 7. required inspection schedule and procedures (for contractor benefit)
 8. reference to, or (preferred) inclusion of the any Forest Conservation afforestation or reforestation plan as a sheet of the landscape plan set
- C. All preliminary landscape plans shall include on the plan drawing, at a minimum, the

1 following standard notes, modified to suit specific projects or conditions.
2

- 3 1. Landscape installer shall verify the location of all underground utilities prior to
4 commencing work. Installer shall ensure that final grades have been established
5 and the site is ready for landscape installation.
6
- 7 2. Landscape installer shall maintain the landscape improvement areas in a clean
8 condition, removing debris daily and at the completion of the installation.
9
- 10 3. Installer shall layout all beds and position plants per the plans. Adjust as
11 required for field conditions. Report significant adjustments to the Owner for
12 approval prior to plant installation. All bed areas shall be sprayed with herbicide
13 as needed to kill and/or remove all weed or grass vegetation.
14
- 15 4. Except for tree spade installations, all tree pits shall be excavated to a depth so
16 that the root ball will rest on solid soil at the proper height. Street trees planting
17 pits shall be excavated and worked in a rectangular form with the small
18 dimension twice the diameter of the root ball and the large dimension at least
19 three (3) times the diameter of the root ball. Open area tree pits shall be
20 excavated to a minimum dimension of twice the rootball width. Trees planted
21 on slopes or side swales shall be installed at a height relating to the uphill side
22 of the pit, and mounded with soil around the lower side. All sides and bottom
23 of tree planting pits shall be scarified or loosened to permit root growth.
24 Excavated soils that have been previously undisturbed shall be loosened and
25 utilized for backfill. Compacted soils that cannot be restored to a reasonable
26 planting soil shall be removed and replaced with friable native soils from the
27 region.
28
- 29 5. All shrub planting pits, landscape beds and planting mass areas shall be worked
30 to a depth of twelve inches (12") (or raised slightly to achieve a twelve inch
31 (12") friable soil depth). Shrub planting areas shall be worked to twelve inch
32 (12") minimum outside the root ball.
33
- 34 6. All landscape beds shall be "v" edged and mulched with minimum three inch
35 (3") double shredded hardwood bark mulch, or approved equal. Mulch to fence
36 lines or back of curbs where appropriate to eliminate narrow grass areas. Avoid
37 mulch piled against tree trunks, etc.
38
- 39 7. All trees to be staked and guyed with hardwood stakes, minimum of two (2) –
40 five feet (5') long, or other approved guying system. Stakes shall be driven into
41 stable soils. Provide wire guys with rubber protectant or other approved
42 industry practice.
43

8. Landscape Installer shall maintain all plant materials through the completion of the landscape installation, and then as required by the Owner.
9. At the completion of the landscape installation (or by phased completion if provided for on the plan), the Owner, or his designated representative shall request an inspection by Town of Easton.

28 – 1014.3 MINIMUM PLANT MATERIAL SPECIFICATIONS

A. Plant Sources: All required plant material shall be obtained from reputable nursery stock growers or relocated from on-site or other sites via nursery standard plant handling and digging methods. The Town may reject plant material grown, handled or installed improperly.

B. Species Selection: Acceptable plant species shall include most plant material native to the region (consult the Chesapeake Bay Native Plant Center for Guidance), or successfully introduced and available in the Mid-Atlantic region with the following exceptions:

1.	Pyrus calleryana ‘Bradfordi’	Bradford Pear	Not Suitable in any location
2.	Ginkgo biloba (female)		Not Suitable in any location
3.	Ailanthus altissima	Tree of Heaven	Suitable as street trees only
4.	Sorbus acuparia	Mountain Ash	Suitable as street trees only
5.	Acer rubrum ‘October Glory’	Red Maple	Suitable as street trees only
6.	Hybrid Poplar		Limit to buffers, open spaces
7.	Lombardy Poplar		Not suitable in any location
8.	White Birch		Suitable as street trees only
9.	Morus alba	Mulberry	Not Suitable in any location
10.	Osage Orange		Suitable as street trees only
11.	Black, Honey Locust(species only)		Not suitable in any location

Species Appropriate to Certain Locations: Consult the advice of a qualified professional when selecting plant species and varieties for use in select areas. Small ornamental, weeping or other low growing varieties shall not be utilized for street trees. Consider plant form and growth habit along with physiological requirements when selecting plant species. Provide a mix of species and varieties for any given project. For most subdivisions, street tree species shall vary through the subdivision.

C. Plant Size at Installation: Unless required otherwise by this Ordinance or any other Town Regulation, all **required** plant material shall conform to the following minimum size specification at installation.

Caliper = tree trunk diameter measured at 12” above finished ground level
Height = tree or plant height measured from finished ground level

Spread = horizontal width (diameter) of plant

- | | |
|--|-------------------------------------|
| 1. Deciduous, Shade/Canopy Trees | 2" Caliper |
| 2. Understory, Flowering Trees | 1.25' caliper and minimum 7' height |
| 3. Evergreen trees | minimum 7' height |
| 4. Upright Shrubs | 18' height |
| 5. Spreading Shrubs | 18' spread |
| 6. Groundcovers or Low Spreading Plans | 12'spread |

D. Other Landscape Improvement Standards

1. Earth Berms; minimum three to one (3:1) side slopes and minimum two foot (2') wide crown unless otherwise approved. (steeper slopes may be approved with adequate vegetation and stabilization) Avoid planting on crown unless special provisions exist for watering and maintenance. Berm layout shall vary and demonstrate varying heights and widths. ***See Figure 10-1 (Note: all figures are provided at the end of this Article).***
2. Reverse Berms; combination cut and fill situations, same standards as for earth berms. ***See Figure 10-2.***
3. Walls and Fences shall incorporate materials and detailing used in the applicants building architecture. Avoid long runs of straight wall or fence, vary horizontal and vertical layout, soften impact of plain walls and fences with plant material and/or berming. ***See Figure 10-3.***
4. Chain Link Fencing is not preferred. Where chain link fencing is used to secure land uses or areas for outside storage, service/loading or other visually disruptive activities, and unless otherwise adequately buffered, the applicant shall provide a combination of decorative slats or opaque product addition in subtle colors, greens and browns preferred, or colors that complement building and landscape, and with added landscaping along the exterior perimeter of these areas.

28 – 1014.4 WARRANTY OF LANDSCAPE IMPROVEMENTS

- A. Prior to issuance of an occupancy permit, the approved preliminary landscape plan shall be implemented by the applicant. At completion, the applicant shall request that the Town inspect the complete landscaping and issue the appropriate approval. The Town recognizes that planting schedules and favorable weather/climatic conditions do not always coincide. The Applicant shall make every reasonable

1 effort to coordinate building and site construction with landscape improvement
2 installation so that all project construction can be completed prior to request for
3 occupancy permits. Upon demonstrating that some or all of the required landscape
4 improvements should be postponed, and subject to the approval of the Town, the
5 applicant shall post an irrevocable financial surety equal to the estimated
6 installation costs as approved by the Town, guaranteeing the complete
7 implementation of the landscape plan within six (6) months of occupancy or use of
8 the site or subdivision. After installation is complete and inspected and approved
9 by the Town, the applicant shall request in writing to the Town to release any
10 unused portion of the surety.

11
12 B. The owner/developer shall maintain all landscape improvements providing
13 adequate growing conditions to ensure healthy, vigorous plant survival and growth.
14 The Town reserves the right to periodically review installed landscapes and report
15 any significant deficiencies to the owner/developer. At the end of two (2) growing
16 seasons, and/or at any time prior to, the Town shall assess the landscape
17 improvements and direct replacement or revitalization of any deficient areas. The
18 owner shall repair or replace deficient items within thirty (30) calendar days.

19
20 C. Unless an amended Landscaping Plan is submitted to and approved by the Planning
21 and Zoning Commission, failure to maintain, repair or replace any required and
22 approved landscape improvements shall be considered a violation of this Ordinance
23 and shall be enforced in accordance with Section 28 – 1308 herein.
24

25 **28-1014.5 FOREST CONSERVATION OVERLAPPING REQUIREMENTS**

26
27 A. Retention and preservation of existing forest under a related Forest Conservation
28 Plan for the same site, may, subject to conditions of this Section, be credited against
29 the minimum landscape improvement requirements of this Section.

30
31 B. Landscape plantings required in this Section, and meeting the size and specification
32 requirements of this Section, may be credited against afforestation or reforestation
33 requirements of a related Forest Conservation Plan for the same site, in accordance
34 with the following schedule:

- 35
36 1. Deciduous, shade/canopy trees (assumed 22' avg. canopy) 400 sq. ft. area
37 2. Evergreen trees (assumed 18' avg. canopy) 250 sq. ft. area
38 3. Understory trees (assumed 12' avg. canopy) 125 sq. ft. area
39

40 C. Afforestation or Reforestation plantings required under a related Forest
41 Conservation Plan for the same site, may be credited against the required landscape
42 improvements of this Section only when the plantings meet the minimum size and

1 locational requirements outlined in this Section.

2 **28-1014.6 LANDSCAPE IMPROVEMENTS**

4 A. Single Family Detached and/or Duplex Residential Subdivisions

- 6 1. Street trees shall be required on all streets except for alleys or as
7 otherwise determined by the Planning and Zoning Commission.
8 Determine number of required trees by computing street centerline
9 length(s) and dividing by twenty five (25) equals total number of
10 required street trees; credit against requirement wherever existing forest
11 or individual trees over 6" caliper will be "effectively" preserved in or
12 within five feet (5') of prescribed street right-of-way. Street trees shall
13 generally be consistently spaced, although some clustering and massing
14 at accent or focal points may be permitted. A minimum of eighty percent
15 (80%) of the required street tree plantings shall be deciduous,
16 shade/canopy type trees as approved by the Planning and Zoning
17 Commission.

- 18
19 2. Bufferyards required per **10-4**.

21 B. Attached Residential Housing Development including Townhouse 22 Subdivisions, Condominiums, and Apartments or as otherwise determined by 23 Planning and Zoning Commission (development product of these types that 24 effectively integrate attached housing within a mixed use or single family 25 residential subdivision may be excluded from the requirements of this section 26 and shall then comply with the applicable subdivision sections).

- 27
28 1. Overall minimum tree plantings required (excluding required
29 bufferyards) shall be three (3.0) trees per residential unit. At a minimum,
30 the required tree plantings shall be located as follow:
31
32 a. Street Trees (both public and private streets) – one (1)
33 deciduous, shade/canopy tree per twenty five (25') of street
34 centerline length. Trees to be planted along both sides of street,
35 behind curb and inside sidewalk wherever possible or otherwise
36 within fifteen feet (15') of curb line.
37
38 b. Parking Lots/Parking Courts- one (1) deciduous, shade/canopy
39 per five (5) spaces to be located within the parking lot interior.
40 **See Figure 10-5.** Trees shall be located within the parking bays
41 so that no more than ten (10) parking spaces form an
42 uninterrupted row. Trees shall be planted within an area of

pervious space of at least sixty-four (64) sq. ft. allocated per tree, with no dimension of any parking lot planting island less than six feet (6').

c. All parking lots shall be landscaped with an evergreen shrub hedge which will grow to a minimum forty-two inch (42") height within five (5) years along all sides excluding the building or facility access side(s). Shrubs shall be spaced to form a continuous hedge within five (5) years. Required Bufferyards may replace all or part of this requirement when the applicant can demonstrate that effective screening will be achieved. *See figure 10-6.*

d. Balance of required three (3) trees/unit to be planted around structures, on lots and/or common open space areas. A minimum of twenty-five percent (25%) of these trees shall be evergreen. Bufferyard plantings may be supplemented with these trees if it can be demonstrated to the satisfaction of the Planning and Zoning Commission that the overall appearance and screening needs of the project would be better served.

2. Shrub and Groundcover Plantings- shrubs and groundcovers shall be integrated into the site and landscape plan to complement architectural design, screen objectionable views, separate pedestrian activities from vehicular travel ways, stabilize sensitive or eroding areas and other applications that contribute to the overall landscape appearance. The applicant shall provide shrub and groundcover plantings or demonstrate why they are unnecessary, impractical or not effective in providing an acceptable landscape appearance.

C. Non-Residential Subdivisions

1. Street trees shall be required on all streets except for alleys or as otherwise determined by the Planning and Zoning Commission. Determine number of required trees by computing street centerline length(s) and dividing by thirty-five (35) equals total number of required street trees; credit against requirement wherever existing forest or individual trees over six inch (6") caliper will be "effectively" preserved in or within five feet (5') of prescribed street right-of-way. Street trees shall generally be consistently spaced, although some clustering and massing at accent or focal points may be permitted. A minimum of eighty percent (80%) of the required street tree plantings shall be deciduous, shade/canopy type trees as approved by the Planning and

1 Zoning Commission.

2
3 2. Bufferyards required per *Section 28 – 1014.7.E*.

4
5 D. Commercial/Office and or Accessory Residential Uses in CBD Zoning District

- 6
7 1. This land use type(s) presents many opportunities, limitations and site
8 specific challenges for landscape improvements. Typically, parking
9 areas are at a premium and area for landscaping is limited or non-
10 existent. Street tree plantings, parking lot interior plantings, buffering of
11 trash and service areas, and landscaping of pedestrian/public plaza space
12 shall be addressed. At a minimum, one (1) tree per 750 sq. ft. of building
13 footprint shall be provided on-site or as street trees in the public r/w
14 frontage of the site. All parking lots shall be landscaped with an
15 evergreen shrub hedge which will grow to a minimum 42” height within
16 5 years along street or alley frontages, and along all, or portions of sides
17 visible from streets, excluding building access sides. Shrubs shall be
18 spaced to form a continuous hedge within 5 years. Additional shrub and
19 groundcover landscape improvements shall be provided unless the
20 applicant can demonstrate to the satisfaction of the Planning and Zoning
21 Commission why additional plantings are unnecessary, or create
22 practical difficulty.

23
24 E. Commercial/Office Uses (excluding CBD Zoning District)

- 25
26 1. Overall minimum tree plantings required (excluding required
27 bufferyards) shall be based on site area to be disturbed. (Disturbed area
28 includes all site areas except for existing forest retention and
29 preservation, existing wetland preservation, significant non bufferyard
30 areas of larger sites to be preserved in a natural state, and required
31 bufferyard areas. The minimum tree requirement shall be:

32

33 a. Disturbed area up to 11,00 sq. ft.	1 tree/1000 sq. ft.
34 11,001 to 100,000 sq. ft.	1 tree/1500 sq. ft.
35 >100,001 sq. ft.	1 tree/2500 sq. ft.

36

- 37 2. The following planting location requirements shall be met, with the
38 balance of required tree plantings to be located on-site where
39 appropriate. Bufferyard plantings may be supplemented with these trees
40 if it can be demonstrated to the satisfaction of the Planning and Zoning
41 Commission that the overall appearance and screening needs of the
42 project would be better served. Existing specimen trees to be preserved
43 within the disturbed area may be credited toward any applicable

planting location requirement total.

- a. Internal, on-lot public or private street tree plantings- one (1) shade/canopy tree per 35' of street centerline length. Trees to be planted within 15' of curb line. Streets integrated within the parking lot area shall be included under the interior parking lot planting requirement. *See Figure 10-7.*
- b. Interior Parking Lot Plantings- 1 tree per 7.5 spaces to be planted within the interior of the parking lot, *see Figure 10-7.* Trees shall be located within the parking bays so that no more than 15 parking spaces form an uninterrupted row. Trees shall be planted within an area of pervious space of at least 64 sq. ft. allocated per tree, with no dimension of any parking lot planting island less than 6'.
- c. All parking lots shall be landscaped with an evergreen shrub hedge which will grow to a minimum 42" height within 5 years along all street or alley frontages and along all, or portions of sides visible from streets or alleys, excluding the building or facility access side(s). Shrubs shall be spaced to form a continuous hedge within 5 years. Required Bufferyards may replace all or part of this requirement when the applicant can demonstrate that effective screening will be achieved. *See Figure 10-7.*
- d. Building Facade Plantings- the landscape improvement plan shall incorporate tree, shrub, groundcover and accent plantings around entrance points, along the entrance face(s) of building(s) and/or within the adjacent pedestrian paving areas. *See Figure 10-8.* These landscape planting areas (excluding turf) shall be comprised as follows:
 - i. one (1) tree per 50' of front building facade or portion thereof
 - ii. landscape beds containing understory trees, shrubs, groundcovers that cover 25% of the front building facade. Minimum bed dimension shall be five feet (5'). A building with a sixty foot front facade would meet these requirements with two trees located in two shrub beds 7.5' by 5' on either side of the entrance door. Required shade/canopy trees can be located within these beds where the bed size equals or exceeds 64 sq. ft. Plant

1 type and form shall reflect the adjacent building form
2 and mass. Large or tall buildings shall incorporate larger
3 plantings and more trees.
4

5 e. Service/Loading Areas- includes areas for trash dumpsters,
6 compactors, trash and recycling staging areas, and truck loading
7 and staging areas. Unless otherwise screened from normal and
8 significant view, applicant shall provide minimum 6' wall/fence
9 with at least 50% of face planted with evergreen shrubs or trees.
10 In lieu of 50% planting requirement, wall or fence shall be a
11 decorative architectural statement compatible with the
12 architectural design of the adjoining structure. Access
13 opening(s) to be oriented away from streets and predominant
14 pedestrian/traffic views, or gated to screen view.
15

16 f. Shrub and Groundcover Plantings- shrubs and groundcovers
17 shall be integrated into the site and landscape plan to
18 complement architectural design, screen objectionable views,
19 separate pedestrian activities from vehicular travel ways,
20 stabilize sensitive or eroding areas and other applications that
21 contribute to the overall landscape appearance. The applicant
22 shall provide shrub and groundcover plantings or demonstrate
23 why they are unnecessary, impractical or not effective in
24 providing an acceptable landscape appearance.
25

26 g. Bufferyards required per **Section 28 – 1014.7.E.**
27

28 F. Industrial/Business and Service Uses 29

30 1. Overall minimum tree plantings required (excluding required
31 bufferyards) shall be based on site area to be disturbed. (Disturbed area
32 includes all site areas except for existing forest retention and
33 preservation, existing wetland preservation, significant non bufferyard
34 areas of larger sites to be preserved in a natural state, and required
35 bufferyard areas. The minimum tree requirement shall be one (1) tree
36 per 3000 sq. ft. of disturbed area.
37

38 2. The following planting location requirements shall be met, with the
39 balance of required tree plantings to be located on-site where
40 appropriate. Bufferyard plantings may be supplemented with these trees
41 if it can be demonstrated to the satisfaction of the Planning and Zoning
42 Commission that the overall appearance and screening needs of the
43 project would be better served. Existing specimen trees to be preserved

1 within the disturbed area may be credited toward any applicable
2 planting location requirement total.

3
4 a. Interior Parking Lot Plantings- 1 tree per 10 spaces to be planted
5 within the interior of the parking lot, see **Figure 10-7**. Trees
6 shall be located within the parking bays so that no more than 15
7 parking spaces form an uninterrupted row. Trees shall be planted
8 within an area of pervious space of at least 64 sq.ft. allocated per
9 tree, with no dimension of any parking lot planting island less
10 than 6'.

11
12 b. All parking lots shall be landscaped with an evergreen shrub
13 hedge which will grow to a minimum 42" height within 5 years
14 along all street frontages and along all, or portions of sides
15 visible from a street, excluding the building or facility access
16 side(s). Shrubs shall be spaced to form a continuous hedge
17 within 5 years. Required Bufferyards may replace all or part of
18 this requirement when the applicant can demonstrate that
19 effective screening will be achieved. **See Figure 10-7**.

20
21 c. Building Envelope Plantings- the entrance facade(s) and other
22 facades visible from a street shall incorporate tree plantings
23 within 50' of these building facades. These plantings shall be
24 located to accent entrance and visitor areas, and sited to lessen
25 the visual impact of monolithic building masses. The minimum
26 tree planting requirement shall equal or exceed one (1)
27 deciduous, shade/canopy tree per twenty feet (20') of the
28 affected facade(s) perimeter. **See Figure 10-9**.

29
30 option: substitute 1.5 evergreen or understory tree for 1
31 shade/canopy tree up to 50% of required minimum. (Note: plant
32 type and form shall respond to the adjacent building form and
33 mass. Large or tall buildings shall incorporate larger, taller tree
34 species and forms.

35
36 d. Service/Loading Areas- includes areas for trash dumpsters,
37 compactors, trash and recycling staging areas, and truck loading
38 and staging areas;

39
40 -unless otherwise screened from normal and significant on or
41 off-site view, applicant shall provide minimum 8' wall/fence
42 with at least 50% of face planted with evergreen shrubs or trees.
43 In lieu of 50% planting requirement, wall or fence shall be a

decorative architectural statement compatible with the architectural design of the adjoining structure. Access opening(s) to be oriented away from streets and predominate pedestrian/traffic views, or gated to screen view

option: evergreen tree buffer planting, minimum 7' height at installation, staggered spacing to create solid screen at installation.

e. Earth Berming and Drainage/SWM Features- whenever possible, utilize these features to accent site planning and building siting. Properly formed, significant berming may be considered toward credit for tree planting requirement.

f. Bufferyards required per *Section 28 – 1014.7.E.*

G. Large Lot Display Land Uses and Specialty Land Uses: Gas Stations, Car or Equipment Dealerships, and other uses that require large paved areas for display or storage of vehicles, equipment, and other uses as determined by Town Planner. The Town recognizes the peculiar nature of these land use types and the need for large, open expanses of paved area and adequate traffic flow opportunities. Nevertheless, the appearance of this land use type can be greatly enhanced with landscape improvements without detrimentally affecting these site and user needs.

1. Overall minimum tree plantings required (excluding required bufferyards) shall be based on site area to be disturbed. (Disturbed area includes all site areas except for existing forest retention and preservation, existing wetland preservation, significant non bufferyard areas of larger sites to be preserved in a natural state, and required bufferyard areas. The minimum tree requirement shall be one (1) tree per 3000 sq. ft. of disturbed area.

2. The following planting location requirements shall be met, with the balance of required tree plantings to be located on-site where appropriate. Bufferyard plantings may be supplemented with these trees if it can be demonstrated to the satisfaction of the Planning and Zoning Commission that the overall appearance and screening needs of the project would be better served. Existing specimen trees to be preserved within the disturbed area may be credited toward any applicable planting location requirement total.

a. Interior Customer Parking Lot Plantings- 1 tree per 7.5 spaces

1 to be planted within the interior of the visitor or customer
2 parking lot, *see Figure 10-7*. Trees shall be located within the
3 parking bays so that no more than 15 parking spaces form an
4 uninterrupted row. Trees shall be planted within an area of
5 pervious space of at least 64 sq. ft. allocated per tree, with no
6 dimension of any parking lot planting island less than 6’.

7
8 b. All visitor/customer parking lots shall be landscaped with an
9 evergreen shrub hedge which will grow to a minimum 42”
10 height within 5 years along all sides excluding the building or
11 facility access side(s). Shrubs shall be spaced to form a
12 continuous hedge within 5 years. *See figure 10-8*.

13
14 c. Building Envelope Plantings- the landscape improvement plan
15 shall incorporate tree, shrub, groundcover and accent plantings
16 around entrance points, and along all building faces visible from
17 streets or public ways. Service bay or equipment access areas are
18 excluded. These landscape planting areas (excluding turf) shall
19 be located along a minimum of 25% of the building face(s), *see*
20 *Figure 10-8*. Minimum planting bed dimension shall be five
21 feet (5’). Plant type and form shall reflect the adjacent building
22 form and mass. Large or tall buildings shall incorporate larger
23 plantings and more trees.

24
25 d. Bufferyards required per *Section 28 – 1014.7.E*.

26
27 **H. Specialty Land Uses; Mini-Warehouses**

28
29 1. As a supplement to any perimeter bufferyards required below, mini-
30 warehouse developments shall incorporate 1 evergreen tree and 1 shade
31 canopy tree per 50’ of parcel perimeter, unless the applicant can
32 demonstrate that the development will not be seen from adjoining public
33 ways. The Planning and Zoning Commission may require additional
34 screening unless the applicant demonstrates enhanced architectural
35 proposals, enhanced fencing or wall screening or other design proposals
36 that mitigate the “typical” appearance of mini-warehouse developments.

37
38 2. Bufferyards required per *Section 28– 1014.7.E*.

39
40 **28 – 1014.7 BUFFERYARD STANDARDS**

41
42 A. Bufferyard standards are proposed as part of this Section for many purposes,

including;

1. To buffer negative aspects of more intense land uses from less intense land uses
 2. To buffer the general public from “back of house image” and other non-regulated homeowner improvements, i.e., fences, sheds, play structures, etc.
 3. To develop the framework for a town-wide landscape program where street and development corridors over time become landscaped and lined with street trees.
 4. To enhance overall Town character and appearance.
- B. Ownership and maintenance responsibilities and use of bufferyards shall be clearly stated on subdivision plats, site plans, restrictive covenant and easement agreements, forest conservation agreements and other such documents that help to clarify these issues.
- C. Bufferyards shall be completely implemented, installed and/or planted by the owner/developer (herein referred to as the Applicant) prior to issuance of an occupancy permit, or in the case of subdivisions, phased per development sections, but completed prior to issuance of any occupancy permit for a phase or section.
- D. Bufferyards shall conform to the following general area and detail specifications:
1. Bufferyards shall occupy part or all of the required building setback or yard area and expand said setback or yard should the bufferyard width be greater than the required setback dimension. In some cases, as part of an integrated landscape design, bufferyard plantings may be more effective if located nearer buildings and/or integrated with other required on-lot plantings; the Planning and Zoning Commission may approve this option.
 2. No development improvements, except for stormwater management facilities and pedestrian/bikeways when the applicant demonstrates that the screening effect of the bufferyard will not be diminished, utility substations and signs, so long as no vegetation requirements are reduced, are permitted within any bufferyard. No residential structures, pools, or accessory structures are permitted within any bufferyard.

1 Fences and walls as part of a required bufferyard or landscape
2 improvement design shall be located along or near the interior side of
3 the bufferyard.
4

- 5 3. For bufferyards between more or less intense zoning or development
6 districts, the following shall apply:
7

8 a. If the adjoining parcel is vacant, the applicant shall provide 50%
9 of the required bufferyard width and planting requirement.
10

11 b. If the adjoining parcel is developed, the applicant shall provide
12 the full bufferyard width and planting requirement, unless he/she
13 can demonstrate that the adjoining parcel has provided and
14 agreed to long term protect existing screening meeting the
15 bufferyard standards herein. Under these conditions, 50% to
16 100% of the bufferyard requirement may be waived by the
17 Planning and Zoning Commission.
18

- 19 4. Forest Conservation afforestation or reforestation otherwise meeting the
20 requirements of the Town of Easton Forest Conservation ordinance can
21 be located within bufferyards. Such plantings that meet the bufferyard
22 planting unit requirements, or that can be demonstrated to provide equal
23 or better screening and buffering, may be credited against the bufferyard
24 requirements.
25

- 26 5. Bufferyard planting requirements shall be based on a fifty foot (50')
27 increment. Determine total length of affected area, divide by (50) and
28 round to the nearest whole number to determine minimum planting units
29 (425' of affected frontage divided by 50 = 8.5 or 8 required planting
30 units, whereas 426' of affected frontage divided by 50 = 8.52 or 9
31 required planting units. Affected area or frontage shall be reduced by
32 the width of street or access rights-of-way. Plant material sizes shall
33 equal or exceed the minimum plant material specifications in this
34 Section. The overall planting requirement can be reduced by areas of
35 existing forest to be preserved comprising 75% of the minimum
36 bufferyard width.
37

- 38 6. Bufferyard planting units and prescribed options shall be implemented
39 as defined below, however, plant substitutions, berming proposals, etc.,
40 will be considered and may be approved by the Planning and Zoning
41 Commission when it can be demonstrated that the screening or
42 appearance benefits will equal or exceed the prescribed Bufferyard
43 planting unit requirement.

- 1
2 7. Bufferyard improvements shall be located so as to provide effective
3 screening benefits and some sense of street tree plantings. *See Figure*
4 *10-10.*
5

6 E. Bufferyard Width and Planting Unit Standards (per 50' increment)
7

- 8 1. Bufferyard 'A' (for residentially zoned lots or land use applications to
9 buffer Major Roads as described in Zoning Ord., Sec. 28 – 1009).
10

11 a. 40' width
12

13 b. Plant unit:
14

15 2 shade/canopy trees, 2 evergreen trees and 10 large shrubs
16

17 Note: where this Bufferyard is located between a parking lot and
18 street r/w, delete the shrub requirement.
19

20 c. Options:
21

- 22 1. Average 3' berm, reduce evergreen tree height. to 5',
23 reduce shrubs to 5.
24

- 25 2. Substitute 1.5 understory trees for 1 evergreen tree.
26

- 27
28 2. Bufferyard 'B' (for non-residentially zoned lots or land use applications
29 to buffer Major Roads as described in Zoning Ord., Sec. 28 – 1010).
30

31 a. 25' width
32

33 b. Plant unit:
34

35 2 shade/canopy trees and 1 evergreen tree
36

37 c. Options:
38

- 39 1. Average 3' berm, reduce evergreen tree height to 5'
40

- 41 2. Substitute 1.5 understory trees for 1 evergreen tree for
42 maximum 50% of required evergreen trees.
43

1 3. Bufferyard 'C' (for all residentially zoned lots or land use applications
2 to buffer all other streets equaling or exceeding Town of Easton
3 "Residential Collector Designation) This bufferyard is not required
4 along the street where the primary lot frontage is designated.

5
6 a. 20' width

7
8 b. Plant unit:

9
10 1 shade/canopy tree, 2 evergreen trees & 5 large shrubs

11
12 Note: when this bufferyard is located between a parking lot and
13 street r/w, delete the shrub requiremet.

14
15 c.Options:

16
17 1. Substitute 1 evergreen tree for 5 shrubs

18
19 4. Bufferyard 'D' (for all non-residentially zoned lots or land use
20 applications (excluding CR zoned parcels) to buffer all other streets
21 equaling or exceeding Town of Easton "Residential Collector
22 Designation)

23
24 a. 15' width

25
26 b.Plant unit: 1 shade/canopy trees, 1 evergreen trees & 5 shrubs

27
28 Note: when this Bufferyard is located between a parking lot and
29 street r/w, delete the shrub requirement

30
31
32 5. Bufferyard 'E' (along non-street, exterior property lines adjoining more
33 or less intense zoning or land use) The Planning and Zoning
34 Commission may require additional buffering above the minimum
35 standards listed below when the proposed or adjoining land uses are
36 substantially incompatible.

37
38 a. 10' width

39
40 b. Plant unit: 1 shade/canopy and 3 evergreen trees

41
42 c.Option:

1. 2 shade/canopy trees and 8 large evergreen shrubs
2. 4 evergreen trees
3. wall/fence with 3 large evergreen shrubs

SECTION 28 – 1015 SETBACKS FROM STREAMS

No structure or impervious surface shall be located within 100 feet of any perennial stream or 50 feet of any intermittent stream. For the purposes of this Section, the terms perennial and intermittent stream shall refer to any feature identified as such on the most recent United States Geologic Survey's 7.5-minute quadrangle of the area, or as confirmed by field verification and at the discretion of the Town Planner. In cases where a greater setback may be required by other rules or regulations (e.g. Critical Area Law) the greater setback shall be required.

The Planning and Zoning Commission may consider and approve alternative measures to a 100' (or 50') grass stream buffer. Such alternate Buffers must achieve the same Stormwater Management and Nutrient Removal levels as the required 100 (or 50) foot buffer.

SECTION 28 – 1016 SIDEWALKS

A. In all non-residential Zoning Districts (i.e. all districts except A-1, R-7A, R-10A, and R-10M) and in the PUD and HC Floating Zones, sidewalks shall be constructed along any Town of Easton-owned right-of-way, with the following exceptions:

1. When abutting alleys; and
2. When abutting an approved open section (i.e. a roadway with no curb and gutter) road.

B. In addition, the Planning and Zoning Commission may require sidewalks on property adjacent to any jurisdiction's public road.

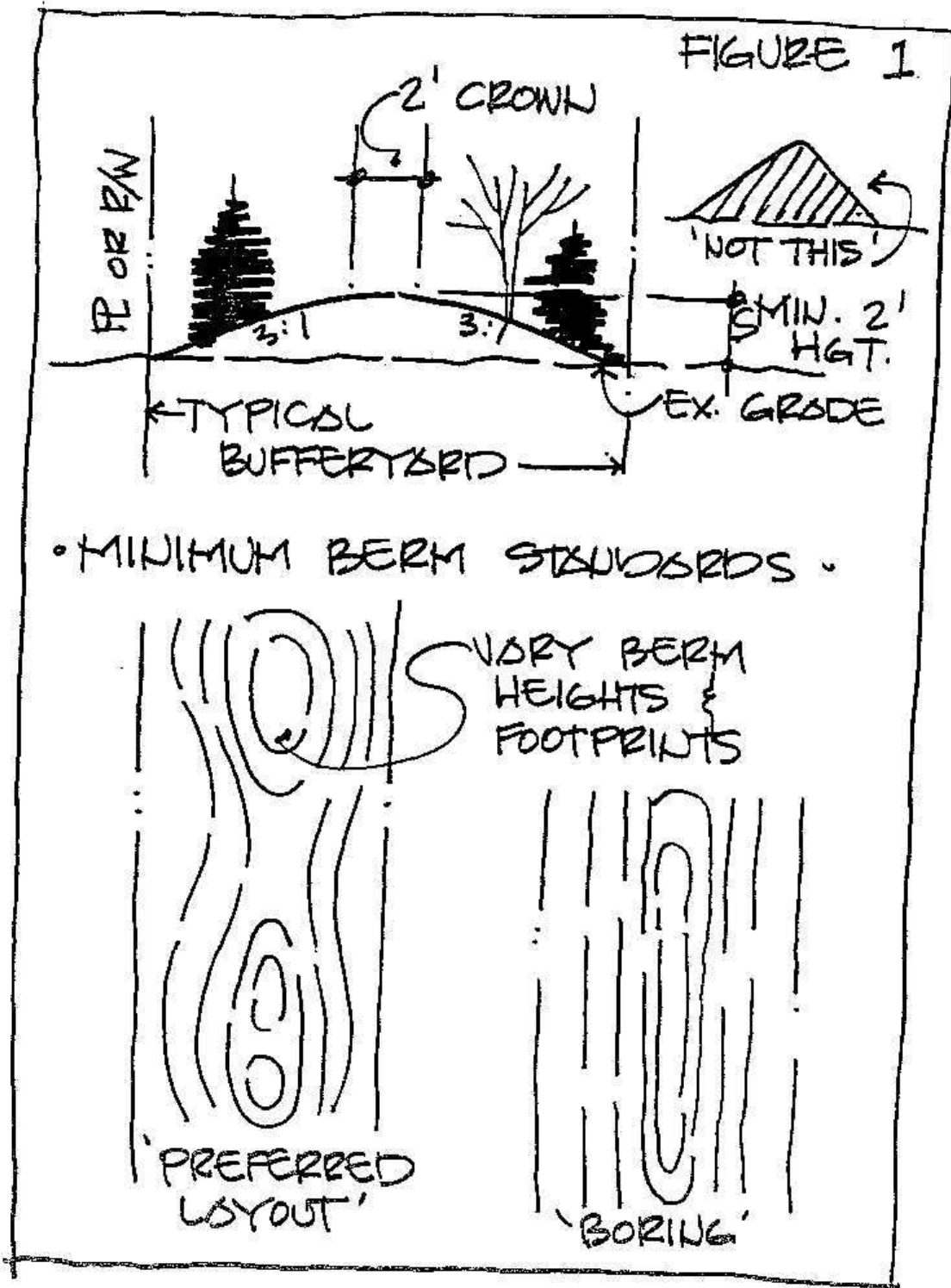
C. Any such required sidewalk shall be constructed adjacent to the site along the entire frontage(s) of the property.

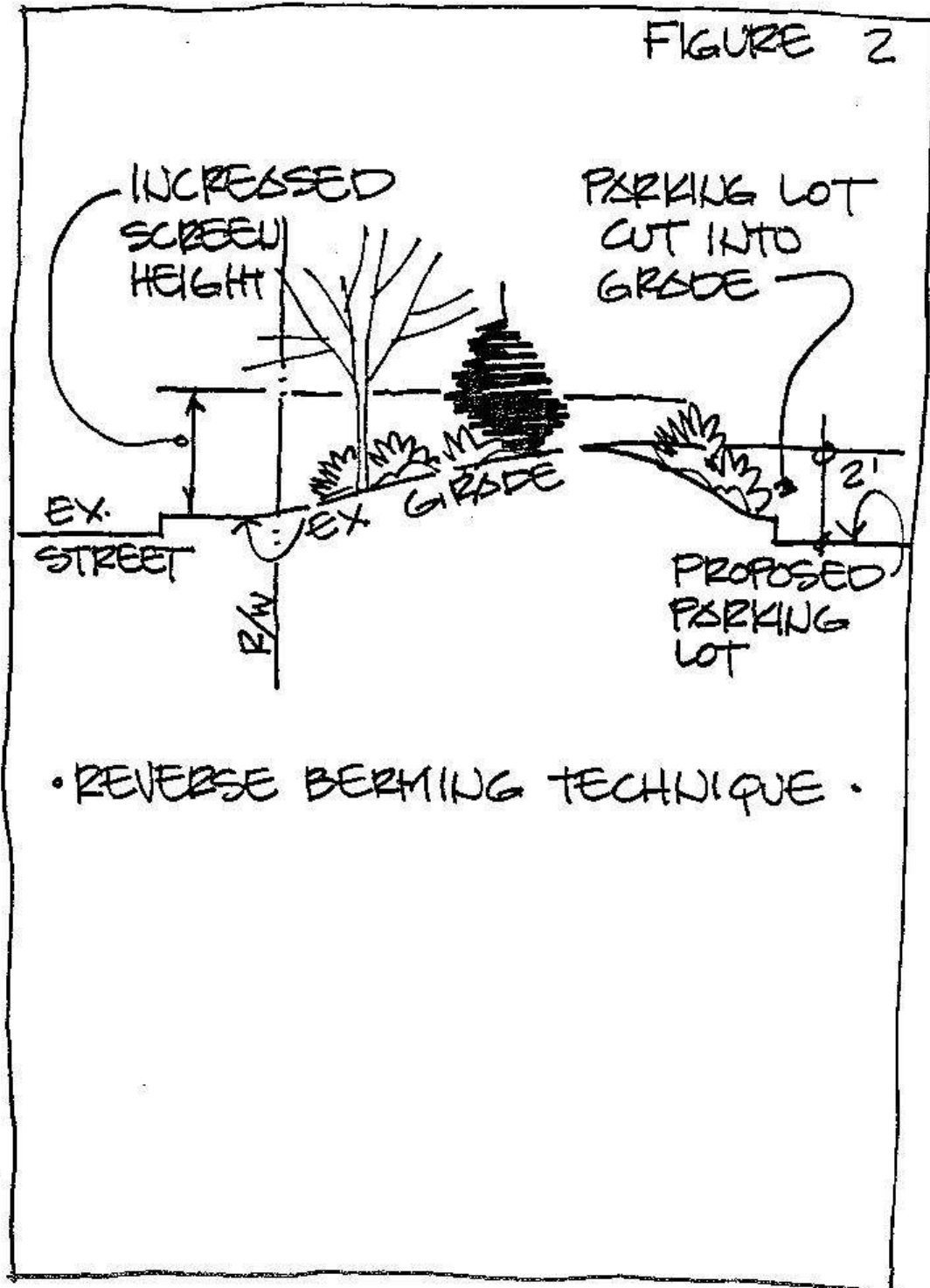
D. To the extent practicable, walkways shall also be constructed on the site to connect building entrances and pedestrian pathway systems into the existing or proposed public sidewalk system.

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2
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6

E. Construction of sidewalks shall be required for any application involving new construction of 5,000 square feet or more of gross floor area. For projects involving no new construction or construction of less than 5,000 square feet of gross floor area, dedication to the Town of Easton of an easement for the eventual construction of sidewalks shall be required.

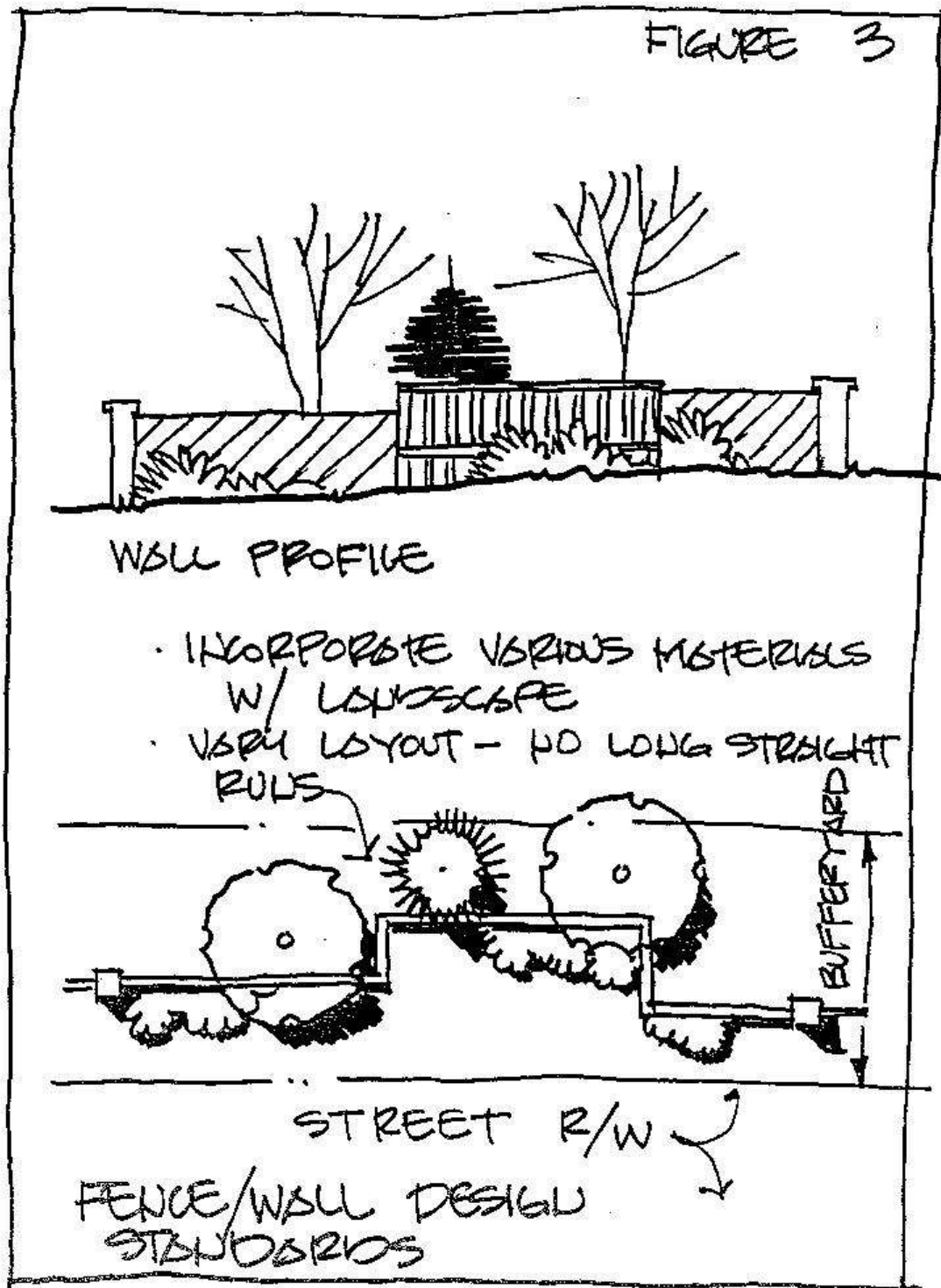
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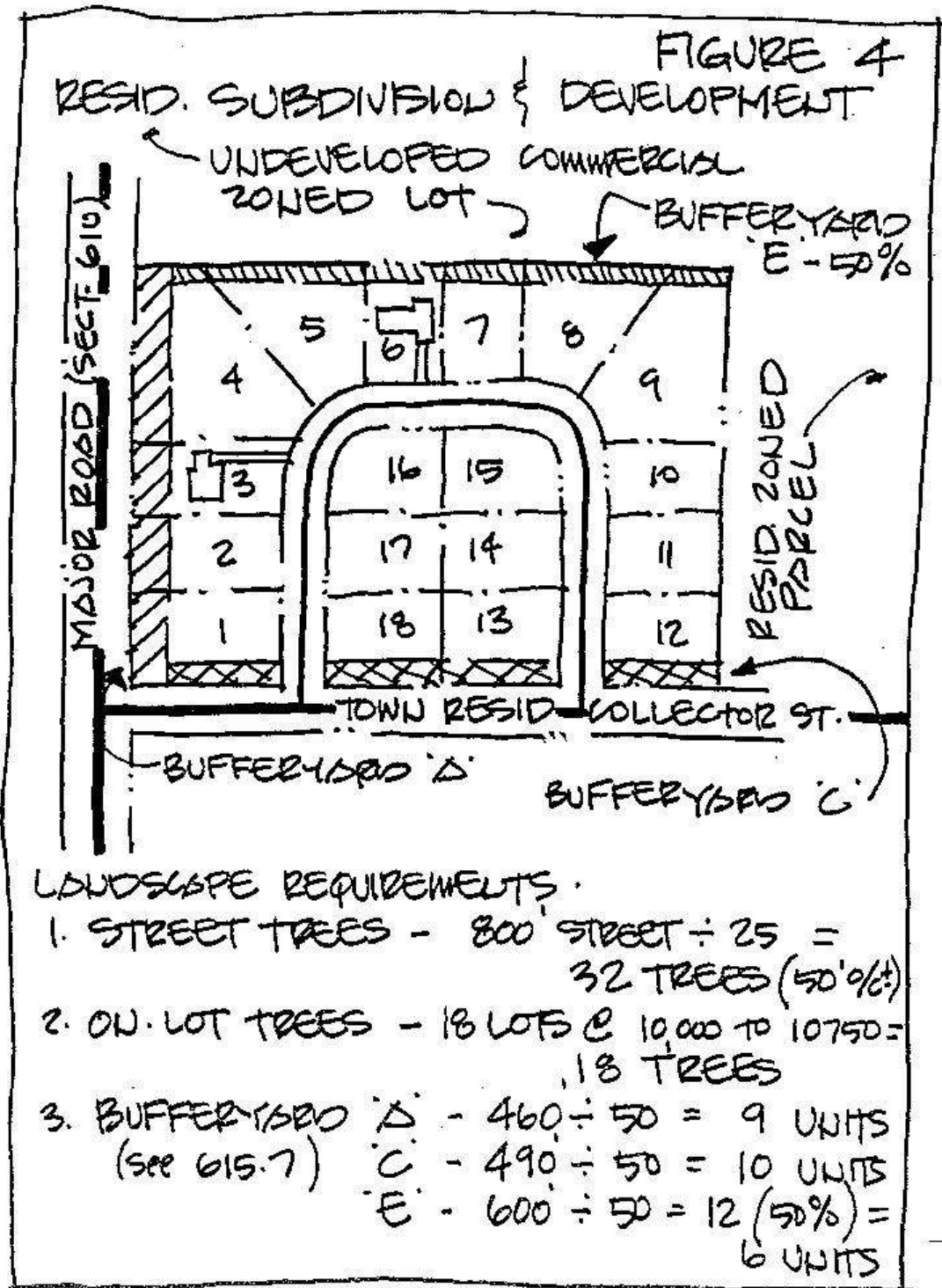
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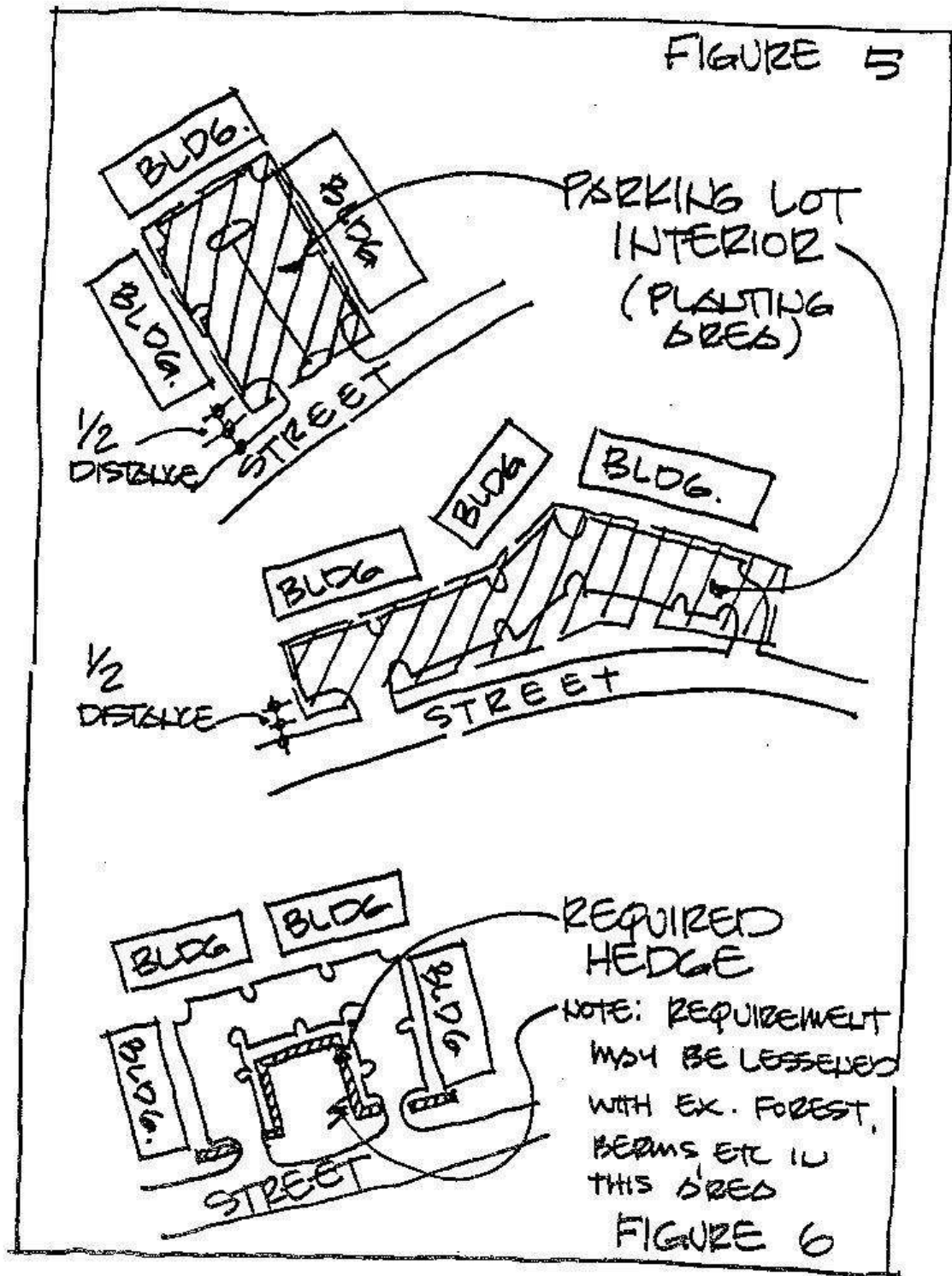


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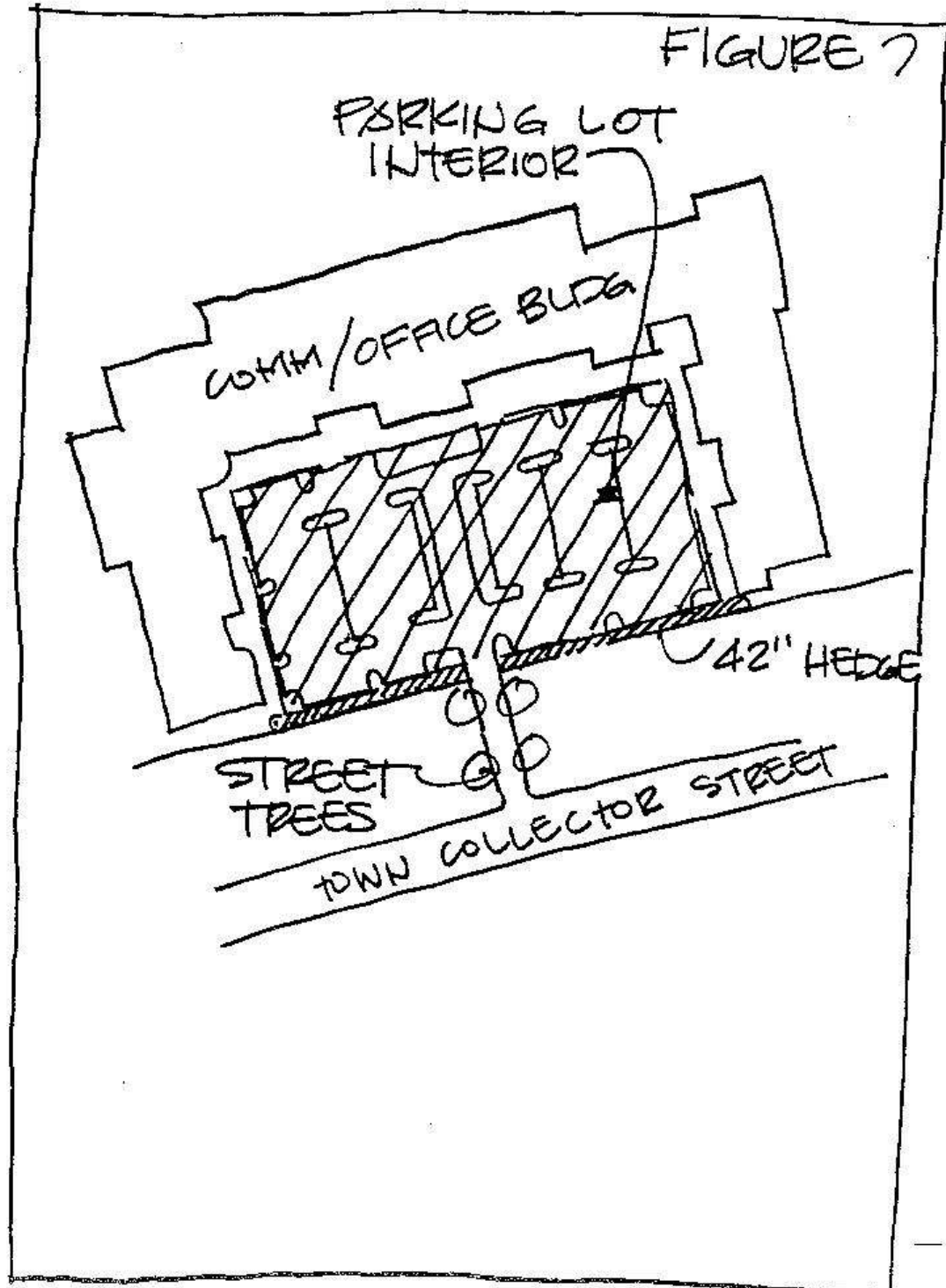


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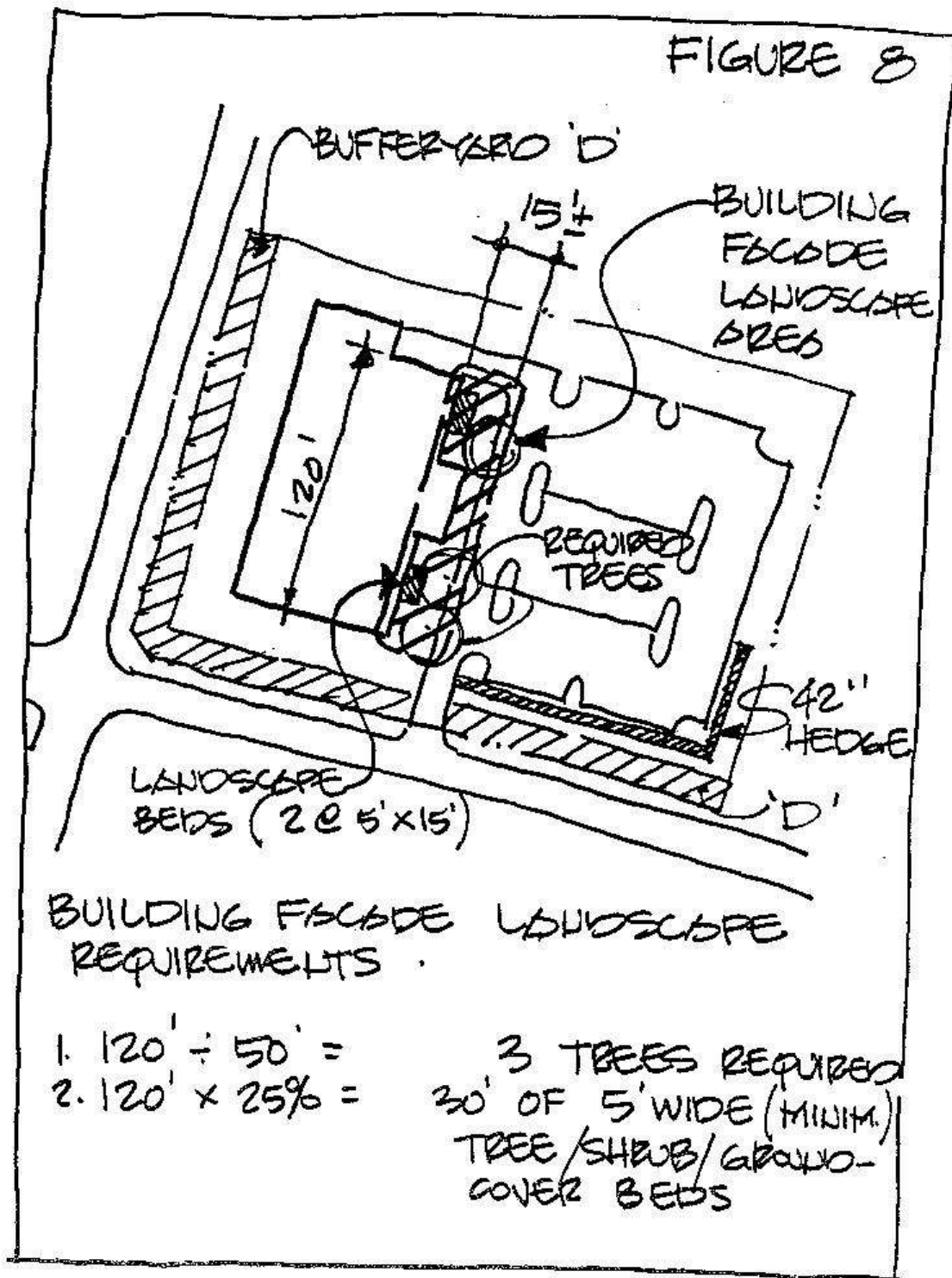


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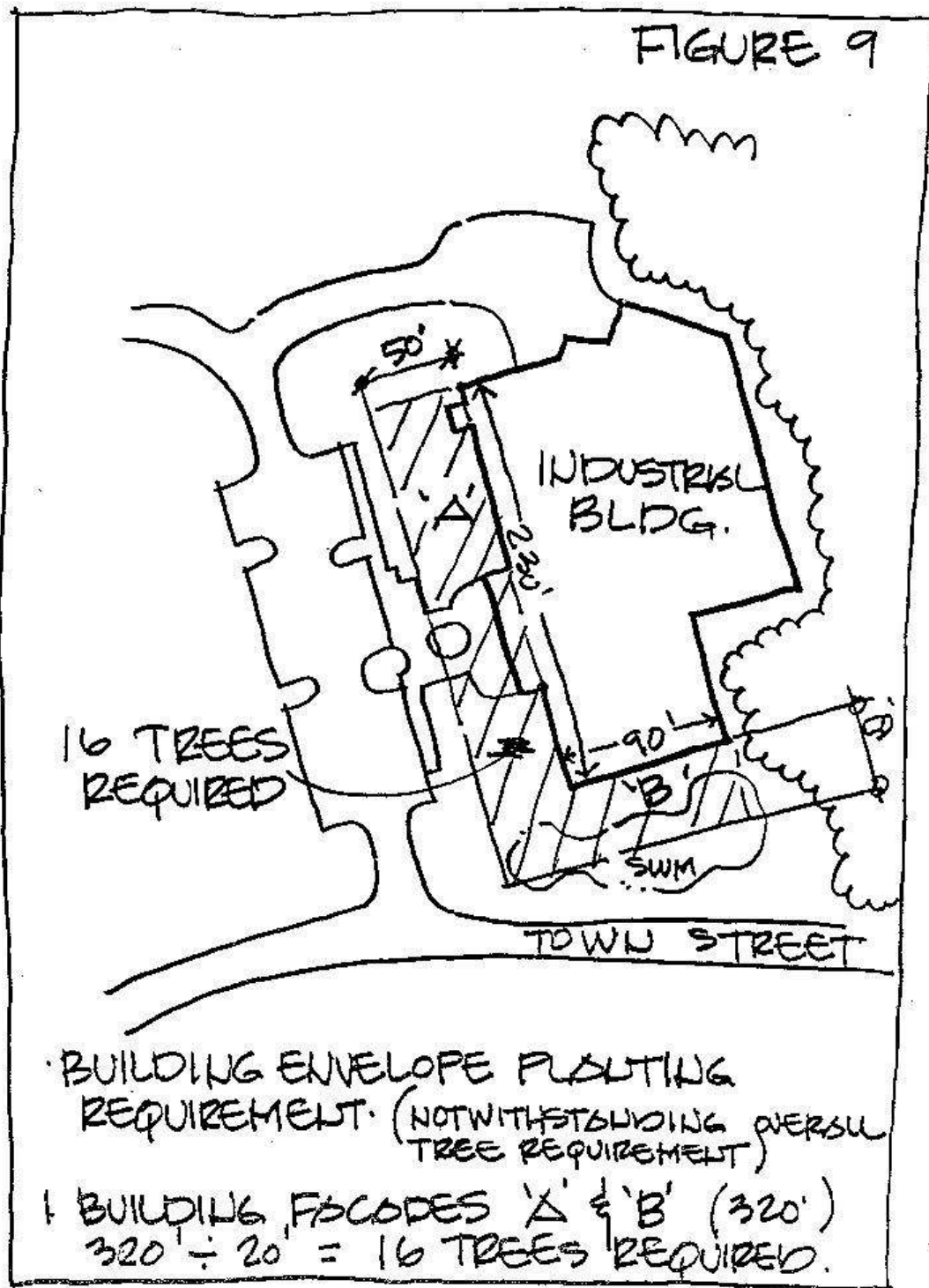


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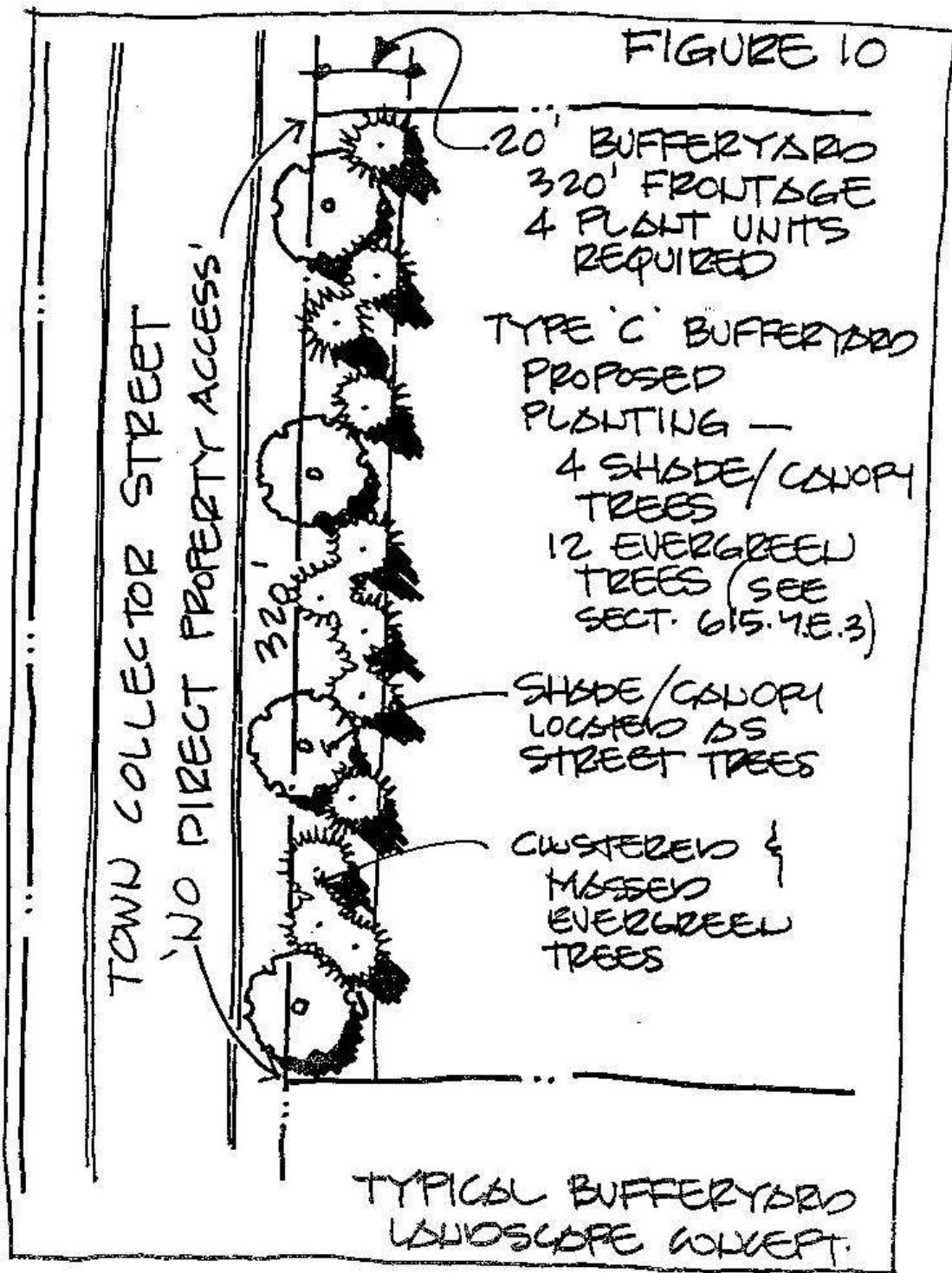


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